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SPECIAL LAWS

ENACTED BY THE

LEGISLATURE OF MASSACHUSETTS

FOR THE

CITY OF CAMBRIDGE,

1781-1890.

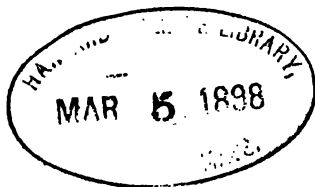
TOGETHER WITH

A LIST OF PUBLIC STATUTES AND PARTS OF STATUTES REQUIRING
ACCEPTANCE, WHICH HAVE BEEN ACCEPTED, AND THE
DATES OF SUCH ACCEPTANCES.



BOSTON:
PRESS OF CASHMAN, KEATING & CO
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1890.

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Edmund J. Brandon
City Clerk.

P R E F A C E .

The statutes herein printed were compiled by Judge William H. Orcutt, in connection with the recent revision of the city ordinances, and under the direction of the committee on ordinances, of the year 1889. The work has been for some time in progress, but the obvious fact that great care was required in its preparation, may very properly be urged in justification of the seemingly long delay in its publication. The compilation includes all the statutes of this Commonwealth relating to the city of Cambridge, or in any way affecting its interests, that have been enacted between the years 1780 and 1890 and inclusive. A list of such statutes as have required acceptance by the city in order to render them operative, together with the dates of their respective acceptances, will be found at the end of the book.

Although many of these statutes have long since become obsolete, all such have a certain historic value, and their present publication will be found useful as subjects of reference, not only to the City Council but to all citizens who are interested in the growth and prosperity of our city.

ALVIN F. SORTWELL,	} <i>Committee on Ordinances for the year 1889.</i>
JAMES F. AYLWARD,	
THOMAS HOULLAHAN,	
GEORGE E. CARTER,	
EDWARD C. WHEELER.	

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SPECIAL LAWS

FOR THE

CITY OF CAMBRIDGE

ENACTED BY THE MASSACHUSETTS LEGISLATURE

FROM 1781 TO 1890.

AN ACT for repealing one clause or part of an act of this Commonwealth, made and passed in the year of our Lord one thousand six hundred and ninety-nine, entitled "An Act for rebuilding the Great Bridge over Charles River in the town of Cambridge.

WHEREAS, the Great and General Court in the year of our Lord one thousand six hundred and ninety-nine, then thought fit to make and pass an Act for the purpose of supporting and maintaining Cambridge Bridge, and by said act subjected the town of Newton to one-third part of the charge of maintaining the same, inasmuch that Newton then having no part of any large bridge in said town to maintain, but the case is so altered at this time, that the town of Newton is subjected to the charge of maintaining the one-half of five bridges over said Charles River, where it borders on said town, which are very expensive ; therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That that part of the aforesaid Act that subjects the town of Newton to any part of the charge of supporting and maintaining said bridge in the town of Cambridge, and also any other Act or Resolve that respects the town of Newton, relative to their being obliged to maintain said bridge, be, and hereby are, repealed.

SECT. 2. And be it further enacted by the authority aforesaid, That the town of Newton shall not be any longer

Repealing an Act subjecting the town of Newton to pay the charges of supporting Cambridge Bridge.

held to answer to any charge, suits or demand relative to said bridge (in Cambridge) in consequence of any Act or Resolve whatsoever, now existing, excepting that the town of Newton shall be held to pay one-third part of the repairs now to be made, agreeable to an agreement entered into between the Selectmen of the towns of Cambridge, Newton and Lexington, in May, one thousand seven hundred and eighty. (May 16, 1781.)

AN ACT for enabling the first precinct, belonging to, and lying within, the town of Cambridge, to raise money for discharging the debts incurred in carrying on the late war, and for confirming the grants and assessments that have been already made for that purpose.

Preamble.

WHEREAS, doubts have arisen whether the laws of this State will fully authorize the assessors of the first precinct in Cambridge to assess upon the inhabitants, any sum or sums of money that have been expended in carrying on the late war, especially that part of the parish only as belong to the town of Cambridge:

Money voted;
how to be assessed, etc.

SECTION 1. Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when the first precinct of the town of Cambridge, being and lying within the same, at any legal meeting of the inhabitants, shall vote any sum or sums of money, for the purpose of discharging the debts already contracted in consequence of the late war, the assessors of the aforesaid precinct or parish, or such other person or persons as they have or may appoint for that purpose, shall have full power and authority to apportion or assess such sum or sums of money upon the inhabitants thereof, according to the rules and methods prescribed by law for apportioning the State tax, and shall have full power and authority to grant warrants for collecting the same, in like manner as the law directs, for gathering town and other parish rates or assessments.

Former grants
and
assessments
ratified

SECT. 2. And be it further enacted by the authority aforesaid, That all grants and assessments that have been made in time past, or that may hereafter be voted and assessed in the first precinct or parish in Cambridge aforesaid, in manner and for the purpose aforesaid, be, and hereby are, ratified and confirmed; and the collector or collectors of the said parish are hereby directed and required to execute all such warrants in the same manner as they are by law obliged to execute warrants for collecting town or other parish rates or assessments. (June 21, 1784.)

AN ACT to prevent the destruction of the fish called Shad and Alewives in Mystic River, so called, within the towns of Cambridge, Charlestown and Medford, and for repealing all laws heretofore made for that purpose.

Act for continuing this Act, and including Woburn and Malden, Feb. 27, 1794. Separate provision for Medford by Act, Feb. 11, 1803.

WHEREAS, the fishery in Mystic River, in the county of Middlesex, if properly regulated, will be of great public utility, as it serves to promote the cod fishery, and is also of advantage to the particular towns through which the river runs, affording, in some measure, subsistence and support to the inhabitants thereof, and is, therefore, necessary to be preserved.

Preamble.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the towns of Cambridge, Charlestown, and Medford, respectively, at a town meeting to be held in the months of March or April, annually, at the time of choosing other town officers in their respective towns, be, and they hereby are, authorized and directed, to choose for each of said towns, three suitable persons, in their respective towns, as a "Committee for the preservation of Fish," who shall be sworn to the faithful discharge of their duty; and the said committee, or the major part of them in their own town, shall have full power and authority to cause the natural course of the said river, and the streams running into it to be kept open, and without obstruction, and to remove all such obstructions as may be found therein; and to make the passage way wider or deeper, if they shall find it necessary. And the said committee or a major part of them, in their respective towns, shall have authority for such purposes to go on the land of any person which may border on said river or streams, without being considered as guilty of a trespass, and to remove across such land any such obstructions, implements, or tools, as may in any way impede, obstruct, or hinder any fish from passing freely up and down said river or streams, otherwise than by this Act is provided. And any person who shall hinder or obstruct said committee, or a majority of them, whether in crossing such lands, or in executing any part of the business by this act assigned them, shall forfeit and pay for every such offence a sum not exceeding three pounds, nor less than twenty shillings, to be recovered in any court proper to try same.

Towns empowered to choose a committee annually.

Their power and authority

SECT. 2. And be it further enacted by the authority aforesaid, That no shad or alewives shall be caught in any of the above-mentioned towns above Medford Bridge, in the said river or streams, or in Mystic Pond or Spy Pond, whether with a seine, drag-net, marsh-net, basket, or

No fish shall be caught, except as provided by this Act, etc.

Penalty for offending.

any other implement of that kind, or made to answer such purpose, except as is hereafter in this Act provided; and every person offending herein shall, upon due conviction, forfeit and pay the sum of three pounds for every such offence, and shall also forfeit the implements or tools used in committing the offence. And no person shall, at any time, place any kind of obstruction in said river, streams, or ponds, which may obstruct or hinder any shad or alewives from passing up or down the same. And no person shall be permitted, by disturbing the waters aforesaid, or by any other means, to restrain or interrupt any of those fish in their passage up and down said river and streams. And every person offending in either of these particulars shall, upon conviction, forfeit and pay the sum of three pounds for every such offence; and every wear, net, or other obstruction, matter or thing placed or used for such purpose, shall also be forfeited if found in any of the waters aforesaid, and shall be disposed of by said committee, or majority of them, for the same purpose as the other forfeitures are to be applied to by this Act, so far as the proceeds of the sale shall not be necessary for the particular appropriations in this Act.

Times set for inhabitants to fish.

SECT. 3. Be it further enacted by the authority aforesaid, That in order to secure to said towns of Cambridge, Charlestown, and Medford, their equal benefit from said fishery, the inhabitants of the town of Cambridge shall, within the limits of that town, have full right to catch with any kind of net, seine, or other fishing implement, any shad or alewives, on Monday, Tuesday, and Friday in every week, from the first day of March to the last day of June, inclusively; and the inhabitants of Charlestown and Medford shall, in like manner, in their respective towns, have full right to catch any shad or alewives in the waters aforesaid, on Monday, Wednesday, and Friday in every week, included in said term.

Every inhabitant, shall, in his own town, have the right of catching fish on the days mentioned.

SECT. 4. Be it further enacted by the authority aforesaid, That every person being an inhabitant of either of those towns shall, each in his own town, in the river, streams, and ponds aforesaid, with any kind of fishing implement, on those days only, which are with respect to each of said towns before mentioned, have the right of catching said fish between sun-rising, on said days before mentioned, until sun-rising on the next day; and no obstruction, instrument, or tool, shall be set, placed, or used, for the purpose of hindering or catching of the fish aforesaid, in the waters aforesaid, till the sun shall be risen on said days; nor shall any such instrument be permitted to remain or to be used in said river, streams, or ponds, after the rising of the sun as aforementioned; and no such obstruction shall be allowed to be placed, used, or to remain in said river, streams, or ponds, on any

other days or times than is herein limited and prescribed, under the same penalties and forfeitures, to be incurred by any and every person placing or using the same, as are provided by this Act to be forfeited and paid by persons catching such fish, except as this Act provides.

SECT. 5. Be it further enacted by the authority aforesaid, That if any inhabitant of any other town shall, at any time, take or hinder shad or alewives, within the limits of either of said towns, without leave first obtained from the Selectmen of the town in which he shall take or hinder those fish, or unless the person taking or hindering them shall be immediately in the employ or service, and laboring for the benefit of some inhabitant of such town, every person so offending shall, upon a due conviction, forfeit and pay the same penalties and forfeitures as by this Act are provided against persons taking, obstructing, or hindering said fish at any other times other than those particularly permitted.

Penalty if inhabitants of any other towns take or hinder shad or alewives, without leave.

SECT. 6. Be it further enacted by the authority aforesaid, That the said committee, or a majority of them in their respective towns, shall have full authority to execute this Act, so far as relates to seizing, removing, and selling any implements or tool used for hindering, taking, disturbing, or turning back the fish in said river, streams, or ponds, and in and after the execution of said trust, they shall not be considered as guilty of a trespass therein, nor shall any action lie against them, or either of them, for any necessary damage done to the lands or fences of any person in executing said trust; but if the proceeds of the sale of said implements, or other materials, shall be found insufficient to defray all the necessary charges, and the reasonable fees of the committee, not exceeding four shillings, to each committee-man, for each day so spent by him, and also all reasonable and necessary assistance, then the remainder of such damages and costs shall be recovered in an action of debt, to be brought by the persons to be benefited by the same, whether committee-men, or persons owning the lands or fences damaged, with all the costs of suit against the person committing the offence, in any court proper to try the same, within the county of Middlesex. And the said committee, or any other person, may sue for and recover upon due and legal conviction, in any court proper to try the same, all penalties which shall arise, or become due in their respective towns, for any breach of this Act, either upon action of debt, or upon indictment or information; one-half of the penalty to accrue to the person recovering the same, the other half to be paid to the Treasurer of the town where the offence was committed, for the use of the poor of the same town.

Committee authorized to seize, remove, or sell, any implements used for hindering or taking fish, etc.

Penalties, and how recovered.

SECT. 7. Be it further enacted by the authority aforesaid, That all fines and penalties that may be incurred for a breach

of this Act, not exceeding four pounds, may be sued for and recovered before any Justice of the Peace, for the county of Middlesex, saving the right of appeal to any person aggrieved, by the sentence of said Justice, to the Court of General Sessions of the Peace, next to be holden for said county. This Act to be in force for the space of five years, from the first day of March next, and no longer. (February 16, 1789.)

Limitation.

AN ACT for continuing an Act made in the year of our Lord one thousand seven hundred and eighty-nine, entitled "An Act to prevent the destruction of the fish called Shad and Alewives, in the Mystic River, so called, within the towns of Cambridge, Charlestown, and Medford, and for repealing all laws heretofore made for that purpose," and also for extending the said Act to the towns of Woburn and Malden.

Act continued. SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that the said Act in every article and clause, matter and thing, shall continue and be in force after the first day of March next; anything in the said Act to the contrary notwithstanding.

Towns extended to. SECT. 2. And be it further enacted by the authority aforesaid, That the said Act shall extend to the towns of Woburn and Malden in the same manner as it would have extended in case the said towns had been expressly named in the said Act. (February 27, 1794.)

AN ACT to prevent the catching fish with seines in Fresh Pond (so called) in the towns of Cambridge and Watertown.

Fish not to be caught in Fresh Pond. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act it shall not be lawful to catch any fish with seines in Fresh Pond (so called) situated in the towns of Cambridge and Watertown; and any person who shall be found so catching fish, or who shall use a seine in the same pond in any manner whatsoever shall, for each offence, forfeit a sum not exceeding fifty nor less than five dollars; to be recovered by an action of the case to the use of the person who shall sue for the same. (June 17, 1797.)

Penalty.

AN ACT to incorporate certain proprietors of Fresh Pond Meadows in the town of Cambridge, in the county of Middlesex, for the purpose of draining said Meadows.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the proprietors of all the meadow lands in the town of Cambridge, situated between Menotomy Bridge and Fresh Pond, which have heretofore been taxed by the Commissioners of Sewers, be, and hereby are, incorporated by the name of the Proprietors of Fresh Pond Meadows; and by that name may sue and be sued, and do and suffer such acts and things as Bodies Corporate ought to do or suffer, Provided, that the lands of Samuel Whittemore, Jr., Jonathan Whittemore and Josiah Whittemore, are not included therein.

Proprietors incorporated.

Proviso.

SECT. 2. Be it further enacted, That upon the application of six or more of said proprietors to any Justice of the Peace in the said county of Middlesex, said Justice is hereby authorized to issue his warrant, directed to one of said proprietors, to notify a meeting of said proprietors, at such time and place, and for such purposes as shall be expressed in such warrant; which warrant and notification thereon shall be published in one of the Boston newspapers, and also be posted in some public place in each of the towns of Cambridge, Charlestown, and Watertown; such publication to be ten days, at least, before the time of meeting.

Mode for calling first meeting.

SECT. 3. Be it further enacted, That said proprietors, when legally assembled, shall have power, from time to time, to choose a Clerk, Committee, Assessors, Collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of their duty; which officers shall have the same power to carry into effect any vote or order of said Corporation, as town officers of like description have by law to do and perform in their respective offices; and the said Corporation shall at their first meeting determine on the manner of calling future meetings; and said Corporation, at any legal meeting for that purpose, shall have power to raise moneys for the purpose of removing the obstructions which may be in the brook leading from Fresh Pond to Mystic River, or for any other purpose which they shall think conducive to draining said meadows; and the said proprietors shall have the right to pass up and down the banks of the said brook, from Fresh Pond to Russell's Bridge in Charlestown, and to do and perform all things which may be necessary to clear out said brook, and remove all obstructions therein. (March 4, 1800.)

To appoint officers, regulate meetings, raise moneys, etc.

AN ACT to set off Nathaniel Prentiss and others from the town of Charlestown, in the County of Middlesex, and annex them to the town of Cambridge, in the same county.

Persons set off. SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathaniel Prentiss, Josiah Willington, Stephen Goddard, Benjamin Goddard and Nathaniel Goddard, together with the lands situated within the following lines, *viz.*: Beginning at the south-easterly side of the house lot of Stephen Goddard, at the point where the boundary line between said house lot and the lands of Walter Frost intersects the north-easterly line of Cambridge, thence running north-easterly by said boundary line, to the road leading by the house of Timothy Tufts; thence north-westerly by said road, to the line which divides the lands of Nathaniel Goddard from the lands of Nathan Watson; thence south-westerly by the line last mentioned to Cambridge line; thence south-easterly by Cambridge line to the point of beginning, be, and hereby are set off from the town of Charlestown, and annexed to the town of Cambridge.

Boundary land set off.

Provision respecting debts and taxes. SECT. 2. Be it further enacted, That the said Nathaniel Prentiss, Josiah Willington, Stephen Goddard, Benjamin Goddard and Nathaniel Goddard, with such parts of their estates as are set off by this Act, shall be held to the payment of all taxes already assessed upon them by the town of Charlestown, and also be held to the payment of their respective proportions of the debts due from the town of Charlestown (after deducting therefrom the school funds) as follows, *viz.*: Nathaniel Prentiss, fourteen dollars; Josiah Willington, fourteen dollars; Stephen Goddard, twelve dollars; Benjamin Goddard, eleven dollars; Nathaniel Goddard, nine dollars; and the town of Charlestown shall have the right to assess the several sums aforesaid on the polls and estates so set off, at any time within one year from the passing of this Act, if the same shall not be paid to the treasurer of said town, prior to such assessment. (March 6, 1802.)

AN ACT to empower the Selectmen of Cambridge to increase the number of Enginemen in said town.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of Cambridge be, and they hereby are, authorized and empowered, at any time after the passing of this Act, to appoint (if they shall judge it

necessary) any number of men, not exceeding six to each engine, in addition to the number now allowed by law, to be subject to the same rules and regulations, and entitled to the same privileges and exemptions as other enginemen. (June 21, 1803.)

AN ACT to divide the town of Cambridge, and to incorporate the southerly parish therein as a separate town, by the name of Brighton.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the town of Cambridge situated on the south side of Charles River, heretofore known as the Third Parish, and as described within the following bounds, together with the inhabitants thereon, be, and the same is, hereby incorporated into a separate town, by the name of Brighton, viz.: Beginning at Brookline line, where Charles River intersects the same, and running on a line in the middle of said Charles River until it strikes Newton line, thence along Newton line until it intersects Brookline line; thence on said line of Brookline to said Charles River, first mentioned, and the said town of Brighton is hereby vested with all the powers, privileges, and immunities, and shall also be subjected to all the duties to which other corporate towns are entitled and subjected by the Constitution and Laws of this Commonwealth. Provided, however, That nothing in this Act shall be so construed as to impair the right or privilege of the Congregational ministers of the said town of Brighton, which they hold in Harvard College.

SECT. 2. Be it further enacted, That the said town of Brighton shall be entitled to hold such proportion of all the real and personal estate now belonging to, and owned in common by, the inhabitants of the present town of Cambridge as the property of the inhabitants of the said town of Brighton now bears to the property of all the inhabitants of the present town of Cambridge, according to the latest valuation thereof, excepting always all right of common landing places, uses, and privileges, heretofore possessed by the inhabitants of said town of Cambridge, all which shall be held and enjoyed by the towns respectively within whose limits the same may be.

SECT. 3. Be it further enacted, That the said town of Brighton shall be holden to pay their proportion, to be ascertained as aforesaid, of all the debts and claims now due and owing from the said town of Cambridge, or which may

hereafter be found due and owing by reason of any contract, engagement, judgment of Court, or any matter or thing now or heretofore entered into or existing.

Supporting
the poor.

SECT. 4. Be it further enacted, That the said town of Brighton shall be holden to support their proportion of the present poor of the town of Cambridge, which proportion shall be ascertained as aforesaid, and all persons who shall, or may hereafter, become chargeable as paupers, shall be considered as belonging to that town on whose territory they have gained a legal settlement at the passing of this Act, and shall be supported by that town only.

Supporting
the bridge.

SECT. 5. Be it further enacted, That the said town of Brighton shall keep up and support their proportion of a bridge over Charles River, between said town and the town of Cambridge, so long as said bridge may be deemed by law necessary; said proportion to be ascertained by the State valuation from time to time.

Justice to
issue his
warrant.

SECT. 6. Be it further enacted, That either of the Justices of the Peace for the county of Middlesex is hereby authorized to issue a warrant, directed to some inhabitant of the said town of Brighton, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of all such officers as towns are by law required to choose, in the months of March or April annually.

To pay propor-
tion of taxes.

SECT. 7. Be it further enacted, That the said town of Brighton shall pay their proportion of all State and county taxes as are already, or may hereafter, be assessed upon the inhabitants of the town of Cambridge, until the General Court shall lay a tax upon the said town of Brighton. (February 24, 1807.)

AN ACT to divide the town of Cambridge, and to incorporate the Westerly Parish therein, as a separate town, by the name of West Cambridge.

Second parish,
in Cambridge
incorporated.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the town of Cambridge heretofore known as the second parish, and as described within the following bounds, together with the inhabitants thereon, be, and the same is, hereby incorporated into a separate town, by the name of West Cambridge, *viz.*: Beginning at Charlestown line, where the little river intersects the same, and running on a line in the middle of said little river until it strikes Fresh Pond, so called; thence west, ten degrees south, until it intersects the line of the town of

Boundaries.

Watertown; thence on Watertown and Waltham line until it strikes Lexington line; thence on Lexington line until it strikes Woburn line; thence on Woburn and Charlestown line to the said little river first mentioned. And the said town of West Cambridge is hereby vested with all the powers and privileges, and shall also be subject to all the duties to which other corporate towns are entitled and subjected by the constitution and laws of this Commonwealth; provided, however, that nothing in this Act shall be construed as to impair the right or privilege of the Congregational minister of the said town of West Cambridge, which he now holds in Harvard College. Proviso.

SECT. 2. Be it further enacted, That the inhabitants of the said town of West Cambridge shall be entitled to hold such proportion of all the real and personal property now belonging to, and owned in common by them, and the inhabitants of the present town of Cambridge, as the property of the said inhabitants of West Cambridge now bears to the property of all the inhabitants of the late town of Cambridge, according to the latest valuation thereof; excepting always all rights of common landing places, uses, and privileges, now and heretofore possessed and enjoyed by the inhabitants of said Cambridge, which shall hereafter belong and appertain to that town only, in which the same may fall. Inhabitants to hold a proportion of property owned in common.

SECT. 3. Be it further enacted, That the inhabitants of the said town of West Cambridge shall be holden to pay all arrears of taxes due from them, together with their proportion (to be ascertained as aforesaid) of all the debts and claims now due, and owing from the said town of Cambridge, or which may hereafter be found due and owing, by reason of any contract, engagement, judgment of court, or other matter or thing, heretofore entered into, or now existing. To pay arrears of taxes.

SECT. 4. Be it further enacted, That the said town of West Cambridge shall be holden to support their proportion of the present poor of the town of Cambridge, which proportion shall be ascertained by the present valuation of the town; and all persons who may hereafter become chargeable as paupers to the towns of Cambridge and West Cambridge shall be considered as belonging to that town, on the territory of which they had their settlement at the time of passing this Act, and shall, in future, be chargeable to that town only. To support their proportion of poor.

SECT. 5. Be it further enacted, That the said town of West Cambridge shall be held to keep up and support their proportion of the old bridge over Charles River, between the first and third parishes of Cambridge, which proportion shall be ascertained, from time to time, by the State valuation. To support their proportion of the old bridge.

SECT. 6. Be it further enacted, That the said town of West Cambridge shall be holden to pay their proportion of all State and county taxes assessed on the inhabitants of the said To pay State and county taxes.

town of Cambridge, until the General Court shall lay a tax on the said town of West Cambridge.

SECT. 7. Be it further enacted, That this Act shall not have any force or effect until the first day of June, one thousand eight hundred and seven.

SECT. 8. Be it further enacted, That any Justice of the Peace for the county of Middlesex, upon application therefor, is hereby authorized to issue his warrant, directed to some freeholder of the said town of West Cambridge, requiring him to notify and warn the inhabitants thereof to meet at such time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings. (February 27, 1807.)

Justice to issue a warrant.

AN ACT providing for the storing and safe keeping of Gunpowder in the town of Cambridge, and to prevent damage from the same.

Weight limited.

Penalty.

Justice to issue his warrant.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That after the first day of September next, it shall not be lawful for any person living in said town, to keep or have in any house, store, or other building within said town, except such building as shall be provided for that purpose, and approved by the firewards and selectmen of said town, more than fifty pounds weight of gunpowder at any one time, nor any quantity thereof, unless the same shall be kept in brass, copper, or tin canisters; and if any person or persons shall so have or keep in any building, any gunpowder contrary to the provisions aforesaid, he shall forfeit and pay the full value of the same, one moiety thereof to the use of the person who shall inform, complain, or sue for the same, and the other moiety to the treasurer of the town of Cambridge, to the use of the poor of the town aforesaid, to be recovered with costs, by information or indictment in the Court of Common Pleas, or by action on the case before any court having by law jurisdiction and power to try the same; and any Justice of the peace of said county, on information supported by oath, is hereby authorized to issue his warrant, returnable to himself within sixty days, directed to any fireward or constable of said town of Cambridge, requiring him forthwith to seize any quantity of gunpowder kept in any building in said town contrary to this Act, and to remove the same to the powder house, to be there kept as security for the penalty incurred by the owner or possessor thereof, and until such penalty, with the cost of seizing, removing, and storing the same, shall have been paid; and such fireward, or constables having such warrant may seize and re-

move any such gunpowder in the daytime, giving notice to the owner of said powder, or occupant of the building where the same may be found, by reading such warrant to him, or leaving an attested copy thereof at his usual place of abode in said town. And the keeper of the powder house shall receive and keep the same until the clerk of the court in which the information, indictment, or action of the case had been pending, shall certify that said suit or process is at an end, and settled, or unless property shall have been attached on said process, or security given by the person who has incurred the forfeiture, to respond the judgment. And in every case the proprietors of the powder house shall have a lien on the powder stored therein, for their fees due for such storage.

SECT. 2. Be it further enacted, That John Hayden and his associates, be and hereby are, incorporated and made a body politic, by the name of the Powder House Corporation, and may have and enjoy all the powers and privileges which are by law incident to corporations, for the purpose of building a powder house in Cambridge, aforesaid, for the storage and safe-keeping of gunpowder; and to purchase and hold a suitable piece of land on which to erect the same, the place and building to be approved and accepted by the firewards and selectmen of Cambridge.

Persons incor-
porated.

SECT. 3. Be it further enacted, That said powder house corporation shall constantly keep a suitable person, who shall be approved by the firewards of said town to superintend said powder house, and shall be obliged to receive and deliver powder into and from the same, and shall be allowed to receive at the rate of five cents per month, for the storage of every cask of gunpowder containing twenty-five pounds, and in proportion for a larger or smaller quantity; and at the rate of two and a half cents per month for every cask of like weight for every month after the first, during all the time which it shall be stored or kept therein, and twenty-five cents upon each delivery of any quantity thereof; and the proprietors of said powder house shall be held responsible, both in the corporate and individual property, to any owner or depositor of powder in said house, for any damage arising from the deficiency of said house, or the refusal, delay, or gross negligence of the keeper.

Superinten-
dent.

His duty and
fees.

SECT. 4. Be it further enacted, That the said John Hayden shall have a right to call the first meeting of said corporation, by posting up notice thereof at two public places in said town, at least five days previous to such meeting, at which time they may choose such officers for the management of said corporation, as they may think fit, and make such by-laws for their own regulation, as are not repugnant to the laws of this Commonwealth.

First meeting
called.

This act
subject to
repeal.

SECT. 5. Be it further enacted, That the legislature may at any time after two years from the passing of this Act, repeal, alter, or amend the same. (June 20, 1809.)

AN ACT in addition to an Act entitled, "An Act to Incorporate the Proprietors of Fresh Pond Meadows, for the purpose of draining them."

Shall keep a
gate.

Proviso.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of Fresh Pond Meadows may erect at the bridge on the county road between Cambridge and West Cambridge, and, from time to time, keep a gate or machine for the purpose of facilitating the draining the Fresh Pond Meadows (so called) in the towns of Cambridge and West Cambridge; provided, that the said gate or machine may be kept open by the selectmen of either of the towns of Cambridge or West Cambridge, from the first day of March to the fifteenth day of June, in each and every year, for the free passage of fish.

SECT. 2. Be it further enacted, That if it shall be found that the time aforesaid is not sufficient for the free passage of shad and alewives, that on the application of the selectmen of either of the towns of Cambridge or West Cambridge, the Court of Sessions for the county of Middlesex, may direct that the said gate or machine shall be kept open for such further time as may be deemed necessary for the preservation of said fish.

Penalty in case
of wilful
injury.

SECT. 3. Be it further enacted, That if any person shall wilfully destroy, injure, or impede the operation of the said gate or machine, the person so offending shall forfeit and pay for each offence, a sum not exceeding one hundred dollars, nor less than twenty dollars, to be recovered before any court proper to try the same, one-half to the use of the informer, and the other half to the use of the proprietors of the Fresh Pond Meadows aforesaid. (February 27, 1813.)

AN ACT in addition to an Act, entitled "An Act to incorporate certain Proprietors of Fresh Pond Meadows, in the town of Cambridge, in the county of Middlesex, for the purpose of draining said meadows."

Justice to
issue
warrant.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That upon the application of six or more of the proprietors of Fresh Pond Meadows, to any justice of the peace in the said county of Middlesex, said justice is hereby authorized to issue his warrant, directed to one of said pro-

prietors, to notify a meeting of said proprietors at such time and place, and for such purposes, as shall be expressed in said warrant; which warrant and the notification thereon, shall be published in one of the Boston newspapers, and shall also be posted in some public place in each of the towns of Cambridge, Charlestown, and Watertown, such publication to be ten days at least before the time of meeting; and any future meeting may be called in like manner at any time, on the application as aforesaid of six or more of the said proprietors, and proceedings had as aforesaid. (June 16, 1813.)

AN ACT authorizing the United States to make a Draw in the Old Bridge, between Cambridge and Brighton, in the county of Middlesex.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the United States of America be, and they hereby are, authorized and empowered to make, at their own expense, a good sufficient draw and passage way in the old bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex; and also to erect such piers on either or both sides of said bridge, as may be necessary to secure the bridge, and to facilitate the passage of vessels through the same. May erect piers.

SECT. 2. Be it further enacted, That said draw shall not be less than twenty feet wide, with a leaf or leaves of sufficient length or breadth, and every requisite for raising the same; and the leaf or leaves, and all other parts of said draw, which serve as a portion of the bridge, for the accommodation of travel over the same, shall always be maintained and kept in repair by the towns of Cambridge, West Cambridge, Lexington, and Brighton, which now have to support said bridge; but all machinery necessary for raising the draw, and also the piers on the sides of the bridge as aforesaid, shall be furnished and kept in repair by the said United States, so long as they shall have occasion for a draw in said bridge. Bridges to be kept in repair.
(June 17, 1817.)

AN ACT to set off William Hunnewell from the town of Charlestown, and annex him to the town of Cambridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Hunnewell, of Charlestown, in the county of Middlesex, with his family, polls, and estate, be set off from the said town of Charlestown, and annexed to Conditional set off.

the town of Cambridge, in the said county of Middlesex; Provided, that the said Hunnewell shall be holden to pay his proportion of all sums of money granted by the town of Charlestown, prior to the passing of this Act. (February 12, 1818.)

AN ACT to annex the estate of Henry Ware to the town of Cambridge.

Lands set off.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that so much of the real estate of Henry Ware, Professor of Divinity, in Harvard University, as lies within the limits of the town of Charlestown, in the county of Middlesex, be set off from the said town of Charlestown, and annexed to the town of Cambridge. (June 17, 1820.)

AN ACT for the regulation of the Shad and Alewife Fishery in Cambridge, Charlestown, Medford, and West Cambridge.

Extension of former acts.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Act passed on the sixteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, entitled "An Act to prevent the destruction of the fish called shad and alewives, in Mystic River, so called, within the towns of Cambridge, Charlestown, and Medford, and for repealing all laws heretofore made for that purpose," shall be taken and construed to extend to the town of West Cambridge, in the county of Middlesex, as fully to all intents and purposes, as if the said town of West Cambridge had been originally named in said Act; and it shall be lawful for the inhabitants of the said town of West Cambridge, to catch and take any of the said fish within the limits of said town, on all such days and times, as by the provisions of the Act aforesaid, it is made lawful for the inhabitants of the said town of Cambridge to catch them, and on no other days or times.

Powers of committees.

SECT. 2. Be it further enacted, That any member of the several committees for the preservation of fish, annually to be chosen in each of said towns of Cambridge, Charlestown, Medford, and West Cambridge, shall have full power and authority to do any act or thing, in any or either of the said towns, which heretofore might have been lawfully done by a majority of either of said committees, within the town where

such committee was chosen, and shall be entitled to and enjoy all the privileges and protection, when in the exercise or discharge of their duties, in either of said towns, which a majority of either or any of the said committees were heretofore entitled to and enjoyed, when acting in discharge of their said duties, within the limits of the particular town for which such committee was chosen. And any person who shall disturb or hinder any or either of said committee-men in the execution of the duties of their said office, shall forfeit and pay for every such offence, a sum not exceeding twenty dollars, nor less than ten dollars; and each and every pecuniary penalty to be forfeited and paid by the aforesaid Act, for a breach or violation of any of the provisions thereof, is hereby raised and increased to a sum, not exceeding twenty dollars, nor less than ten dollars in lieu of the sums therein mentioned, to be forfeited and paid respectively. Forfeitures.

SECT. 3. Be it further enacted, That for the better securing to the said towns of Cambridge, Charlestown, Medford, and West Cambridge, their equal benefit from said fishery, the said town of Medford shall be restricted to fish only on the ebb-tide, on such days as by the Act aforesaid are provided for the inhabitants of said Medford, to take said fish; and every person who shall catch or take any of said fish upon the flood tide within the said town of Medford, or who shall set or continue in any of the rivers or other waters mentioned in said Act, within the said town of Medford, upon the flood tide, any net, seine, or other fishing implement for the purpose of catching any of said fish, or to obstruct their passage up or down said rivers, streams, or waters aforesaid, shall for each and every such offence, incur the like forfeitures and penalties as shall be incurred by the force of this Act, by any person who shall catch or take any of said fish contrary to the provisions of the Act mentioned in the first section of this Act. Restriction in taking fish.
Penalties.

SECT. 4. Be it further enacted, That the inhabitants of the said town of Charlestown, shall be prohibited and restricted from setting or continuing any net, seine, or other fishing implement in any of the rivers, streams, or waters aforesaid, only while actually drawing or dragging for said fish, except as hereinafter provided; and every person who shall within the town of Charlestown set, or continue any such net, seine, or other fishing implement, in any of the rivers or waters aforesaid, which may stop or obstruct the passage of said fish, up or down the same, unless such person, at the same time, shall be actually engaged in drawing or dragging for said fish, except as hereinafter is provided, shall for each and every such offence, incur like forfeitures and penalties as shall be incurred by force of this Act, by any person who shall catch any of said fish, contrary to the provisions of Prohibitions.
Penalties.

Proviso. the Act mentioned in the first section of this Act; provided, nevertheless, that nothing herein contained shall be construed to deprive the said inhabitants of Charlestown of the right of setting, and having one stationary net or seine in Little River, so called, at any and all times, between the hours of twelve of the clock at noon, and twelve of the clock on the following night, on all such days as are lawful for said inhabitants to take said fish.

Prohibitions. **SECT. 5.** Be it further enacted, That no net, seine, or other fishing implement, shall ever be placed or used in the said Mystic River, nor in the said Little River, within fifteen rods from the point where the waters from those two rivers meet; and every such net, seine, or other fishing implement which shall be found situated in either of said rivers, contrary to the provision aforesaid, shall be wholly forfeited to the use of any person who shall find the same; and every person who shall be guilty of placing or putting any such net, seine, or other fishing implement in either of said rivers, within fifteen rods from the meeting of the waters of those rivers as aforesaid, shall forfeit and pay for each and every such offence, the sum of twenty dollars, to be recovered before any justice of the peace for said county of Middlesex. And any person who shall be guilty of opposing or hindering the removal of any net, seine, or fishing implement, which shall be found situated in either of said rivers, contrary to the provisions of this section, shall forfeit and pay the sum of twenty dollars to be recovered in the same manner as the forfeiture last above mentioned.

Prosecution for fines.

Penalties. **SECT. 6.** Be it further enacted, That any person or persons who shall at any one time catch or have in his or their possession, within either of said towns of Cambridge, Charlestown, Medford, or West Cambridge, any of said fish, after they have cast their spawn, to the number of twenty or upwards, shall forfeit and pay for each and every offence, a sum not exceeding twenty dollars, nor less than ten dollars.

Seizure of nets, seines, etc. **SECT. 7.** Be it further enacted, That every net, seine, or other fishing implement, which shall be placed or used in any of the rivers, streams or waters aforesaid, within either of said towns, contrary to the provisions of this Act, or the Act mentioned in the first section of this Act, as also all fish that shall be taken contrary to any of the provisions of either of said Acts, shall all be forfeited to the use of any person or persons who shall detect or discover any such fish to be taken as aforesaid, or any such net, seine, or other fishing implement to be situated or used as aforesaid; and all forfeitures or penalties to be incurred for a breach of any of the provisions of either of the Acts aforesaid, shall be recoverable by any of the inhabitants of either of said towns of Cambridge, Charlestown, Medford, and West Cambridge,

in action of debt, before any court proper to try the same ; one half the amount thereof to the use of the plaintiff in such action, and the other half to the use of the town where he belongs. (February 14, 1821.)

Distribution
of fines

AN ACT to authorize the proprietors of West Boston Bridge to establish a Turnpike Road from Cambridge to Watertown.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the West Boston Bridge be, and they are hereby, authorized and empowered to make and establish a turnpike road from a point in the old road in said Cambridge, near the store of Edmund T. Hastings, in nearly a straight line, crossing Charles River by a bridge, to a point in the old road, near the dwelling-house of James Hovey, in Brighton ; thence in a direction nearly in the course of the old road, to a point therein, near the dwelling-house of John Herrick, in said Brighton ; thence across Charles River, by a bridge passing northerly of the United States arsenal, and entering the square in Watertown, northerly of the Watertown turnpike, under the direction of the locating committee, and with the consent of any person or persons through whose premises said road shall pass, bounding on the old road or square in Watertown ; with all the powers and privileges, and subject to all the requisitions and penalties established by the Act, entitled "An Act defining the general powers and duties of turnpike corporations," and the several Acts in addition thereto ; said road over the marshes to be laid out of such width as the locating committee may deem necessary and expedient for the making and security thereof ; provided that neither the towns of Watertown, Cambridge, or Brighton, shall ever be compelled to support any part of said road or bridges without their own consent ; provided also, that said proprietors shall be required to erect a drawer (draw), for the passage of vessels in the bridge leading from Cambridge to Brighton, of the same dimensions, and upon the same conditions, as are prescribed for the erection of a draw, in the Act entitled "An Act incorporating certain persons for the purpose of building a bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex," passed March second, in the year of our Lord one thousand eight hundred and eight ; and provided also, that said proprietors shall be required to erect a draw in the other bridge, granted by this Act, leading from Brighton to Watertown of the same dimensions, and upon the same conditions as above prescribed for the erection of the other draw, whenever there shall be erected and estab-

Route of the
road.

Powers.

1804, Ch. 125.

Proviso.

1807, Ch. 74.

lished a drawer (draw) in the old bridge leading from Cambridge to Brighton.

Joint committee of the legislature to locate road and make return thereof.

SECT. 2. Be it further enacted, That the joint committee of the Senate and House of Representatives, for the time being, on the subject of bridges, turnpikes, and canals, or a majority of them, be, and they hereby are, authorized to perform all the duties of a committee for laying out the road hereby granted, and for assessing the damages which may be occasioned by the establishment of said road and bridges to any individuals, whose lands may be taken therefor, and to the town of Brighton in their rights of fishing in Charles River, if any; and their return, made to the court of sessions, in the county of Middlesex, shall be (as) effectual in law, as that of any committee which might be appointed by said court of sessions for the same purpose, saving to either party the right of trial by jury as is provided in the general turnpike Act.

Tolls.

SECT. 3. Be it further enacted, That said proprietors of West Boston Bridge be, and they are hereby, authorized to erect a toll gate, upon any part of said road, which they may find most convenient for collecting tolls, and shall be entitled to demand and receive from each traveller or passenger, the same amount of tolls which the Ninth Massachusetts Turnpike Corporation is now authorized to receive at its gates in Bellingham, by an Act passed on the eighth day of February, in the year of our Lord one thousand eight hundred and twenty-two (twenty-three), and no greater; provided however, that the Legislature may at any time reduce the toll, so that the net proceeds thereof may not exceed six per cent. per annum, of the cost of said road and bridges, calculating upon the average dividends of three preceding years. (June 12, 1824.)

1822, Ch. 67,

Proviso.

AN ACT authorizing the town of Cambridge to establish a Board of Health.

Election and organization of a board of health.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the town of Cambridge, qualified to vote for town officers, may, in the month of March or April annually, in town meeting assembled, elect by ballot, five or seven able and discreet persons, being freeholders and residents in said town, to be a board of health, whose duty it shall be, when notified by the town clerk of their election as aforesaid, to meet within six days after such notice, and organize themselves by electing a president and secretary. The secretary thus chosen to be sworn to the faithful discharge of the duties of said office,

which oath shall be entered and subscribed by such secretary, on the record of said board, and attested by the person administering the same; and a certificate from the records of said board, shall be received and admitted as evidence in all cases relating to the proceedings of said board. On the death or resignation of any member of the said board of health, such vacancy shall be filled by election by ballot, at the next town meeting, which may be holden after such vacancy, and a majority of the board shall be competent to transact any business which the whole board could transact.

Vacancies,
how filled.

SECT. 2. Be it further enacted, That the said board of health shall have power, and it is hereby made their duty to examine into all causes of sickness, nuisances, and sources of filth, that may be injurious to the health of the inhabitants of the town of Cambridge, which do or may exist within the limits of said town, or in any vessel at any wharf within the limits thereof; and the same to destroy, remove or prevent, as the case may require; and all the expenses attending the same to be paid by the person or persons who caused such nuisance to exist, if known, and if not known, such expenses to be paid by the town; and in all cases where such nuisance, source of filth, or cause of sickness, shall be found on private property, the owner or occupier thereof, on being notified by the authority of said board, and ordered to destroy or remove the same, shall forthwith remove or destroy such filth or nuisance, and in case such owner or occupier shall refuse or neglect to remove such filth, nuisance, or cause of sickness, from his, her, or their property, within the time specified by said board, he, she, or they so offending shall forfeit and pay a fine of not less than five dollars, nor more than one hundred dollars, to be sued for and recovered by said board of health, in manner hereafter directed; and any two members of said board may cause the same nuisance to be removed or destroyed as the case may require; and all costs or expenses, incurred in removing or destroying the same, shall be paid by such owners or occupiers, on whose premises, or in whose possession such cause of sickness, nuisance, or source of filth may be found; and the said board may have power to appoint scavengers when necessary to carry into effect the requirements of this act, and the same to remove and substitute others at the pleasure of the board.

Power and
duty of the
board of
health.

Board may
appoint
scavengers.

SECT. 3. Be it further enacted, That the said board of health shall have power to take, seize, and destroy, or remove to any safe place within the limits of the town, or cause the same to be done, any unwholesome and putrid or tainted meat, fish, bread, vegetables, or other articles of the provision kind, or liquor, which in their opinion (first consulting some respectable physician of the town of Cambridge), shall be injurious to the health of those who might

Power to
remove
nuisances.

Proceedings
when admit-
tance is
refused.

Justice's
warrant.

Proviso.

Board may
make rules and
regulations.

use them, and the cost of seizing, taking, destroying, or removing, shall be paid by the person or persons, in whose possession the same unwholesome, putrid, or tainted article shall or may be found; and whenever said board shall think it necessary for the preservation of the lives or health of the inhabitants of said town, to enter forcibly any building or vessel, having been refused such entry by the owner or occupant thereof, within the limits of the town of Cambridge, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness aforesaid, which said board have reason to believe is contained in such building or vessel, any member of said board, by order of said board, may apply to any justice of the peace, within and for the county of Middlesex, and on oath complain and state on behalf of said board the facts, as far as said board have reason to believe the same, relative to such nuisance, source of filth, or cause of sickness aforesaid, and such justice shall thereupon issue his warrant, directed to the sheriff of the county of Middlesex, or either of his deputies, or to any constable of the town of Cambridge, therein requiring them or either of them, taking with them sufficient aid and assistance, and also in company of said board of health, or any two members of the same, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness is complained of as existing as aforesaid, and there, if found, the same to destroy, remove, or prevent, under the directions and agreeably to the order of said board of health, or such members of the same as may be present for such purpose: provided, however, that no sheriff, deputy sheriff, or constable, shall execute any civil process, either by arresting the body, or attaching the goods and chattels, under color of any entry made for the purpose aforesaid, unless such service could by law be made without such entry; and all services so made under cover of such entry, shall be utterly void: and the officers making such service shall be considered as trespassers, and shall suffer the pains and penalties of the law in such case made and provided: and in all cases where such nuisance, source of filth, or cause of sickness, shall be removed as aforesaid, the cost arising in such proceedings shall be paid by the person or persons who caused or permitted the same nuisance, source of filth, or cause of sickness, to exist, or in whose possession the same may be found.

SECT. 4. Be it further enacted, That the said board of health shall have power to make such rules, orders, and regulations, from time to time, for the preventing, removing or destroying of all nuisances, sources of filth, or causes of sickness, within the town of Cambridge, which they may think necessary; which rules, orders and regulations, after having

been posted up in three or more public places within the town, shall continue in force, and be obeyed by all persons, until altered or appealed by said board, or by the said town; and any person or persons who shall disobey or violate any such rules, orders or regulations, so as aforesaid made, shall severally forfeit and pay a sum for such offence, not less than one dollar nor more than fifty dollars, according to the nature and aggravation of the offence. And for all expenses which may arise in the execution of their duty, the said board of health shall be authorized to draw upon the town treasurer of the town of Cambridge, and the same shall be paid by the treasurer of said town; and the accounts of said board, including all receipts and expenditures of money, shall be examined annually, and reported to the town, by a committee appointed for that purpose.

Penalty for violation of rules.

Expenses.

SECT. 5. Be it further enacted, That all fines, forfeitures, and sums to be paid, arising under any of the provisions of this Act, shall be prosecuted for, by and in the name of the board of health of the town of Cambridge; and the said board of health shall pursue said prosecution to final judgment in any court within the county of Middlesex having competent jurisdiction; and all moneys arising by fines, forfeitures or sums to be paid under any of the provisions of this Act, shall enure to the use of the inhabitants of the town of Cambridge and shall be accounted for by said board to the treasurer of said town.

Fines, how recovered and to whose use.

SECT. 6. Be it further enacted, That whenever said board shall commence any process against any person or persons under this Act, and costs shall be adjudged for the defendant or defendants in such process, and execution issues (issued) thereon shall remain unpaid for thirty days after notice to said board, said defendant or defendants may have and maintain an action of debt therefor against said board in their private capacity before any court of competent jurisdiction in this Commonwealth. (March 2, 1827.)

Defendants may recover costs of board.

Defendants may have action, etc.

AN ACT to regulate the transportation of Gunpowder, within and through the towns of Cambridge and Medford, in the county of Middlesex.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the first day of March next, whenever any quantity of gunpowder, exceeding one hundred pounds, shall be transported by land into or through either of the towns of Cambridge and Medford, in the county of Middlesex, the same shall be enclosed in tight casks, boxes or canisters, that shall prevent the escape of any

Transportation of gunpowder.

particle of their contents; and shall be conveyed in carriages or vehicles, closely and entirely covered with leather, or painted canvas; and the bottom and sides thereof wholly covered with some soft substance, which shall prevent any dangerous friction; and no load of gunpowder shall be approached, or followed by another load of gunpowder belonging to the same concern, within fifty yards, or stop within forty rods of any dwelling-house, in either of the towns aforesaid, longer than ten minutes.

Gunpowder
how landed
from a vessel.

SECT. 2. Be it further enacted, That no quantity of gunpowder exceeding one hundred pounds, shall, at any time or place, in either of said towns, be landed from any vessel or boat, or unloaded from any wagon or other vehicle, until application for that purpose has been made to one or more of the firewards of said towns respectively, in which said gunpowder may be; and under and according to his or their order and direction, and not otherwise, it may be landed, or unloaded, or transported to its place of destination; provided that none of the provisions of this Act shall extend to, or in any way effect, the landing or unloading gunpowder from any vessel, boat, wagon or other vehicle, upon or from the wharf near the Massachusetts magazine, in said town of Cambridge; and provided also, that when Charles River, above Canal bridge, shall be so obstructed by ice as to render the delivery from the wharf aforesaid impracticable, then and while Charles River shall be obstructed as aforesaid, gunpowder may be unloaded upon, and delivered from, the pier by the draw in the bridge extending from Prison Point in Charlestown, to Canal bridge, to be unloaded and delivered from said pier as near full tide as possible, and with all possible expedition.

Proviso.

Penalty for
violation of
this Act.

SECT. 3. Be it further enacted, That if any person or persons in transporting gunpowder into, or through either of the said towns, shall violate any of the provisions of this Act, he or they shall forfeit and pay, for each offence, a sum not less than ten, nor more than one hundred dollars, to the use of the town in which the offence may be committed, to be recovered in an action of debt, in any court proper to try the same. (February 4, 1828.)

AN ACT authorizing the Selectmen of Cambridge to appoint Hook and Ladder Men.

Selectmen
may appoint
hook and
ladder men.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the selectmen of the town of Cambridge, in the county of Middlesex, be, and they are hereby authorized and

empowered to appoint a company or companies, consisting of not more in the whole than thirty men, whose duty it shall be, under the direction of the firewards of said town, to attend fires therein with fire hooks and ladders, and to be subject to such farther duties, and organized and provided in such manner, as the said selectmen shall, from time to time, direct. And all persons appointed to said company or companies, pursuant to the foregoing provisions, shall continue in office during the pleasure of said selectmen, and be entitled to all the privileges and exemptions to which enginemen now are or may hereafter be by law entitled. (June 12, 1829.)

AN ACT authorizing the enclosing of a part of Cambridge Common.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Israel Porter, Stephen Higginson, Asahel Stearns, Joseph Homes, and Francis Dana, with their associates be, and they hereby are authorized and empowered, at their own expense, and under the direction of two commissioners, to be appointed by the Governor, with advise of the council, to enclose such part or parts of the common in Cambridge, in the county of Middlesex, as the said commissioners shall determine, due regard being had to the public convenience and necessity. And the said commissioners, after giving notice to all persons interested, shall have power to make such alterations with respect to the direction of the roads by which the said common is traversed, as they shall see fit, and shall designate the portion or portions of the said common to be enclosed, by metes and bounds, and shall make report of their doings, under their hands and seals, and file the same in the secretary's office, as soon as may be convenient after the said service shall have been performed. And they are further authorized and empowered to level the surface of the ground, to plant trees, and lay out and make walks within said enclosure, in such manner as, with the approbation of the selectmen of the said town of Cambridge, they may think proper, leaving suitable and convenient avenues for the accommodation of persons who may have occasion to enter or pass over any part of said enclosure on foot.

Persons
authorized to
enclose parts
of Cambridge
Common.

SECT. 2. Be it further enacted, That the said enclosure shall be forever kept, and appropriated to public use only, as a public park, promenade, and place for military parade; and no part thereof shall, on any pretence, be appropriated to any purpose of private use or emolument.

Enclosure
appropriated
to public use
only.

Penalties for
malicious
injuries.

SECT. 3. Be it further enacted, that if any person shall maliciously or wantonly injure or destroy the fences, trees, walks, or any matter or thing pertaining to said enclosure, every person so offending shall forfeit a sum not exceeding fifty dollars, according to the nature and aggravation of the offence, to be prosecuted for by indictment or information, in the Court of Common Pleas for the county of Middlesex; and such persons shall also be liable for all damages by them done, to be recovered by an action of trespass, or on the case, to be brought before any court proper to try the same, with costs of suit; which action may be brought by any inhabitant of said town of Cambridge, in the name of the inhabitants of the said town, or the treasurer thereof, in which action, as well as in any indictment or information, it shall be sufficient to allege the matter or thing injured to be the property of the said inhabitants of Cambridge. And all fines and forfeitures imposed by virtue of this Act, shall be to the use of the town of Cambridge, and be appropriated to the purpose of making repairs or improvements upon the said enclosure.

Condition of
this Act.

SECT. 4. Be it further enacted, That if the said enclosure shall not be made within five years from the passing of this Act, the authority and power hereby granted shall cease and be wholly void. (June 5, 1830.)

AN ACT establishing a Fire Department in the town of Cambridge.

Cambridge
fire depart-
ment, of whom
to consist and
how ap-
pointed.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Fire Department of the town of Cambridge shall hereafter consist of a chief engineer, and as many engineers, not exceeding twelve, as the selectmen of said town shall annually, on the first Wednesday in April, appoint, who shall hold their offices for one year, from the first day of May next succeeding, also as many engine men, hose men, and hook and ladder men, as the selectmen shall annually, on the first Wednesday in May, or as soon thereafter as may be, appoint; Provided, that the number of engine men shall not exceed fifty to every hydraulion or suction engine, thirty-five to every common engine, five to every hose carriage, and twenty-five hook and ladder men: Provided, also, that the first appointment under this Act may be made in the month of May instead of April as provided for in the former part of this section.

Proviso.

Selectmen
authorized to
fill vacancies,
make by-laws
etc.

SECT. 2. Be it further enacted, That the selectmen of said town be, and they are hereby authorized and required to fill any vacancies occurring in said fire department, to

give certificates of appointments to the members thereof, and to fix and establish, from time to time, the powers and duties of the officers and members of said fire department respectively, in relation to fire engines, and all their fire apparatus belonging to or used in said town, and the care and management thereof, and to fix and ordain rules and regulations for the conduct of said officers and members, and of the citizens present at fires, and to annex penalties for the breach thereof, not exceeding twenty dollars, which penalties may be sued for in the name of the treasurer of said town in any courts proper to try the same; provided, such rules and regulations shall not be binding and valid, until the same be published in some newspaper printed in the city of Boston.

SECT. 3. Be it further enacted, That the chief engineer and engineers so appointed shall have the same powers and authority, relative to pulling down or demolishing any house or other building to prevent the spreading of fires, and relative to all other matters and things affecting the extinguishment or prevention of fires, or the commanding assistance at them, as firewards now by law have, and the said town of Cambridge shall be liable to pay all such reasonable compensation for damage done by or consequent upon the acts or directions of the said chief engineer or engineers, as other towns in this Commonwealth are liable to pay in like cases for like acts and directions done or given by their firewards. And all fines or forfeitures arising within said town of Cambridge, under the laws of this Commonwealth relative to the extinguishing and prevention of, or proceedings at, fires shall be distributed in such manner, and applied to such uses as the said town shall ordain and direct.

Authority of
engineers
relative to the
demolition of
houses, etc.

SECT. 4. Be it further enacted, That every member of said fire department shall be held to produce within thirty days after he shall have become a member of said department, and annually, in the month of May thereafter, to the commanding officer of the military company within whose bounds he may reside, a certificate from the selectmen, stating that he is a member of said department, which certificate shall exempt him from military duty so long as he shall remain a member of said fire department, and every member of said department who shall produce a certificate, signed by the chairman of the board of selectmen of said Cambridge, stating that he has served as a member of said department for seven successive years after the age at which the laws of the United States or of this Commonwealth may hold the citizens thereof liable to enrolment in the militia, shall be exempted from all military duty, excepting that of keeping himself constantly armed, furnished with the arms and equipments required by the laws of the United States, and of this Commonwealth, and the duty of carrying or sending them

Duties and
privileges of
members of
the fire depart-
ment.

annually to the place of inspection or view of arms of the company within whose bounds he may reside, and in which he is enrolled.

Former laws,
when repealed.

SECT. 5. Be it further enacted, That from and after the organization of a fire department under this Act, and notice thereof given in one or more newspapers published in the city of Boston, all former laws of this Commonwealth, relating to the election and appointment of firewards, and hook and ladder men, so far as they affect the election and appointment of firewards and hook and ladder men in the town of Cambridge, be, and the same are hereby repealed.

Provisions of
this Act when
to take effect.

SECT. 6. Be it further enacted, That the provisions of this Act shall take effect and be in force as soon as the same shall be accepted by the citizens of said town, qualified to vote in town affairs, at a legal meeting notified for such purpose, and shall continue in force until modified or repealed by the Legislature. (March 17, 1832.)

Accepted April 30, 1832 (Town Records, Vol D, Page 411).

Owners of
lands, houses,
etc., to make
drains.

AN ACT in addition to an Act authorizing the town of Cambridge to establish a board of health.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Board of Health of the town of Cambridge shall have power to cause every owner of lands, houses, or buildings, within said town, or his agent, to make a sufficient drain from such land, house, or building, to convey all waste water, and other liquid matter, whenever they shall adjudge the same to be a source of filth, nuisance, or cause of sickness to persons residing near such land, house, or building, or to the public, from such land, house, or building, in such manner, of such materials and to such places, as said board of health may direct, and shall thereupon give such owner or agent notice in writing, specifying the mode and time in which such drain shall be completed; and in case the said owner or agent shall neglect to complete the same within the time so specified, the said board of health shall cause the same to be done, and shall be entitled to recover, of such owner or agent, the whole amount of the expense thereof, together with ten per cent. damages, by an action of the case by them to be brought before any court within the county of Middlesex having competent jurisdiction; provided, however, that in no case the said ten per cent. to be recovered by way of damage, shall exceed the sum of twenty dollars. (March 15, 1834.)

Penalties for
neglecting to
make drains.

AN ACT to incorporate the proprietors of Fresh Pond Meadows in Cambridge, Watertown, and West Cambridge.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Brewer, Samuel Watson, and John Davenport, and others, proprietors of meadows in the towns of Cambridge, Watertown, and West Cambridge, in the county of Middlesex, on the borders of Fresh Pond and Little Spy Pond, and above Menotomy bridge, on the streams running from said ponds, overflowed and injured in consequence of the obstruction to the passage of the water in said streams, and by the setting back of the current of said streams, in consequence of the rising of the tide in Medford River, their heirs and assigns of the said premises, be, and they hereby are made a body corporate, by the name of Proprietors of Fresh Pond Meadows; for the purpose of removing the obstructions in said streams, opening such drains as may be deemed necessary, and constructing a dike and gate, at or below Russell's bridge, on the stream running from said ponds, and for the purpose of shutting out the tide from said meadows, and apportioning and collecting assessments on the said proprietors, in proportion as they shall be respectively benefited by such improvements, for the purpose of defraying the expenses of the same; with power to make any by-laws, to choose a clerk, treasurer, committees, assessors, collectors of taxes, commissioners, and other officers and agents, as may be necessary and proper for carrying into effect the purposes of this Act; and such committees, assessors, or commissioners, as may be appointed for the levying and apportioning of assessments upon said proprietors, shall be sworn by some justice of the peace within said county of Middlesex, to the faithful performance of their duties.

SECT. 2. Be it further enacted, That in case any of said proprietors shall, for sixty days after demand thereof, neglect to pay his, her, or their proportion of any assessment, made in pursuance of this Act, for the purposes aforesaid, the collector or treasurer of said proprietors, or such committee or other officers or agents of said proprietors, as may be authorized by them for this purpose, shall sell at public auction, after giving reasonable notice of such sale, such quantity of the meadow belonging to such delinquent proprietor or proprietors as shall be deemed sufficient by such treasurer or collector, committee, or other officer or agent authorized as aforesaid, to satisfy such assessment, and pay all necessary expenses incidental to such sale; and the said collector or treasurer, or such other officer or committee, or agent of said proprietors, being authorized for the purpose by said proprietors, shall convey by deed, the meadow so sold; which deed,

Persons
incorporated.

Assessments,
etc.

Delinquent's
shares may be
sold at auction.

duly executed, shall give a valid title to the grantee of the portion of said meadows so sold, and conveyed, subject, however, to the right of the proprietor or proprietors thereof, to redeem the same within one year from the sale thereof, by paying the amount of such purchase money, and the interest therefor, to the purchaser, his heirs, assigns, or other legal representatives; and the surplus of the proceeds of such sale, over the amount of the assessment, and expenses of such sale, shall be paid over by the said collector or treasurer, or other officer, agent, or committee, making the sale, to the delinquent proprietor or proprietors of the estate thus sold.

Time for
keeping gate
open.

SECT. 3. Be it further enacted, That the said gate shall be kept open for the free passage of fish up and down said stream, from the first day of March, to the fifteenth day of June, in each year, and for such further time as the court of common pleas in said county, on giving the parties interested reasonable notice and hearing, on the application of the selectmen of Cambridge, or West Cambridge, for that purpose, may direct, in case the time above specified shall be found insufficient for the passage of shad and alewives to and from said ponds.

Penalty for
injuring gate
or dike.

SECT. 4. Be it further enacted, That, if any person shall wilfully destroy, break down, remove or injure said gate or dike, the person or persons so offending, shall forfeit and pay a sum not less than twenty dollars, nor more than one hundred dollars, to be sued for and recovered before the court of common pleas in said county, one half to the use of the complainant, the other half to the use of said proprietors.

When and
how this Act
shall take
effect.

SECT. 5. Be it further enacted, That this Act shall be in force only in respect of such of the proprietors aforesaid as shall signify their assent thereto, in writing, or by voting therefor at a meeting of said proprietors, duly called in the manner prescribed by law for calling the meetings of corporations; and, upon such adoption of this Act, all Acts heretofore passed to incorporate the proprietors of said meadows, for the purpose aforesaid and the Acts in addition thereto, shall cease to be in force. (March 25, 1834.)

AN ACT in addition to an Act establishing a fire department in the town of Cambridge.

Appointment
of the firemen.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the engineers, engine men, hose men and hook and ladder men, whom the selectmen of the town of Cambridge are, by the Act to which this is an addition, authorized to appoint, shall hereafter be appointed

annually, on the first Wednesday in April, or as soon thereafter as may be; anything in the Act to which this is in addition to the contrary notwithstanding.

SECT. 2. Be it further enacted, That no member of said fire department who shall be appointed a member thereof in the month of April, and who shall have produced, within thirty days after he shall have become a member thereof, to the commanding officer of the military company within whose bounds he may reside, a certificate from the selectmen of Cambridge, stating that he is a member of said department, shall be held to produce such certificate in the month of May, next following the time of his appointment; and the production of such certificate to such commanding officer, by any member of said department, appointed in the month of April, within thirty days of such appointment, shall exempt such member from military duty so long as he shall remain a member of said fire department; anything in the Act to which this is in addition, to the contrary notwithstanding. (March 30, 1835.)

Exemption
from military
duty.

AN ACT to authorize Francis Winship and others to construct a draw in the great bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:—

SECTION 1. Francis Winship, Gorham Parsons, Samuel Brooks, and Edward Sparhawk, and their associates, are hereby authorized to make, at their own expense, a good and sufficient draw and passage-way in the great bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex; and also to erect such piers on either side, or both sides, of said bridge as may be necessary to secure the bridge and facilitate the passage of vessels through the same, with a leaf or leaves of sufficient length and breadth, with every requisite for raising the same; and the whole shall be done under the superintendence and to the acceptance of the county commissioners of the county of Middlesex.

Persons
authorized.

To make a
draw in bridge
between Cam-
bridge and
Brighton.
To be ap-
proved by
County com-
missioners.

SECT. 2. Said draw, piers, leaf, or leaves, and every requisite for raising the same, after they shall have been constructed and provided to the acceptance of the county commissioners aforesaid, shall be always thereafter maintained and kept in repair, and said draw shall be raised, and every necessary accommodation afforded to vessels having occasion to pass through the same, by day or by night, by the towns of Cambridge, West Cambridge, Lexington, and Brighton, in the same proportions as they are now by law liable to contribute to the support of said bridge. (April 23, 1838.)

To be ap-
proved by
County com-
missioners.

AN ACT in relation to a highway from Prison Point to Lechmere's Point.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

County commissioners authorized to lay out highway.

SECTION 1. The county commissioners for the county of Middlesex are hereby authorized and empowered to lay out a highway from Prison Point, in Charlestown, to Lechmere's Point, in Cambridge; and said commissioners in all their proceedings in relation to said highway, shall be governed by the provisions of the twenty-fourth chapter of the Revised Statutes.

Draw to be built.

SECT. 2. Said county commissioners shall cause to be built, in any dam or bridge which shall be laid out as a part of said highway, a good and sufficient draw, for the passage of vessels, not less than twenty-seven feet wide; and the said draw shall be kept in good repair, and raised at all times for the passage of vessels, at the expense of the towns of Charlestown and Cambridge; and the said towns shall in relation to said highway, be subject to all the duties and liabilities, and have all the powers and privileges, set forth in the twenty-fourth chapter of the Revised Statutes in relation to highways. (April 24, 1838.)

To be kept at expense of Charlestown and Cambridge.

AN ACT to authorize the Trustees of the Charity of Edward Hopkins, to establish a classical school in the town of Cambridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

School to be established.

Its object.

Estate.

SECTION 1. The Trustees of the Charity of Edward Hopkins are hereby authorized to establish, in the town of Cambridge, a classical school, the main object of which shall be to prepare boys for admission to Harvard University, and, for this purpose, may purchase and hold, in their corporate name, a lot of said land in said town, and erect thereupon suitable buildings, the whole costs of which shall not exceed ten thousand dollars.

Who are to be visitors, to appoint instructors and make by-laws.

SECT. 2. The visitation of said school, and the right and authority to appoint instructors and make and ordain suitable rules and by-laws for the government thereof, shall be vested in the president and fellows of Harvard College, the minister of the First Church in Cambridge, and the chairmen of the selectmen and school committee of said town.

Of admission to the school, free of expense

SECT. 3. The said trustees, the visitors of said school, and the instructors thereof, shall receive into the same when

established, and admit to all its benefits, privileges, and advantages, free of expense, any number of boys, not exceeding nine, at any time, belonging to the town of Cambridge or elsewhere, who being suitably qualified, shall be selected and presented for admission thereto by the school committee of said town.

SECT. 4. The said trustees are hereby authorized to apply one fourth part of the net income of their funds to the support of said school, so long as the same shall continue to be maintained in said town, and shall during that time, be exempted from all obligation to pay any portion of said income to any other school in said town or the master thereof: provided, however, if the said school shall not be established within two years after the passage of this Act, or shall, at any time thereafter, cease to be supported in said town, as is herein provided, the said trustees shall annually pay over the said fourth part of the net income of their funds to the treasurer of the town of Cambridge, on condition that the said town of Cambridge shall provide and maintain a school, and perform and comply with the other duties and provisions contained in the next section of this Act.

Fourth part of income of fund to be applied to support of the school.

Proviso, in case the school shall not be established, or cease to be maintained.

SECT. 5. The town of Cambridge shall annually apply so much of said income, as may at any time hereafter be paid to the treasurer thereof, in pursuance of the proviso contained in the preceding section of this Act, to the instruction of nine boys in the learning requisite for admission to Harvard University; the said instruction to be furnished in a public school in said town, the instructor of which shall be at all times competent to give such instruction; and said town shall, so long as said income shall continue to be paid, receive into said school, and admit to all the benefits, privileges, and advantages thereof, free of expense, any number of boys, not exceeding nine at any time, who, being properly qualified, shall be selected and presented for admission thereto, by the president and fellows of Harvard College, and the minister of the First Church in Cambridge, who shall be the visitors of said school for the purpose of seeing that the duties and provisions in this section are duly complied with and performed.

Application of income when paid over to town treasurer, according to foregoing proviso.

SECT. 6. The said trustees are hereby authorized to pay annually to the treasurer of Harvard College one tenth part of that portion of their income which is appropriated for the benefit of theological students to be applied for the purchase of books, as a reward to meritorious under-graduates, without regard to the number of theological students who may be assisted by this charity. (April 10, 1839.)

Annual payment to college treasurer, for purchase of books, etc.

AN ACT to establish the City of Cambridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows: —

Cambridge to be a city.

SECTION 1. The inhabitants of the town of Cambridge, in the county of Middlesex, shall continue to be a body corporate and politic, under the name of the city of Cambridge; and, as such, shall have, exercise, and enjoy, all the rights, immunities, powers, and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to, said town, as a municipal corporation.

Administration, etc., to be vested in a mayor, six aldermen, and twenty common council, etc.
Boards to serve without compensation.

SECT. 2. The administration of all the fiscal, prudential, and municipal affairs, of said city, and the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of six, to be denominated the board of aldermen; and one council of twenty, to be denominated the board of common council; which two boards shall, in their joint capacity, be denominated the city council. A majority of each board shall constitute a quorum for the transaction of business. No member of either board shall receive any compensation for his services. The mayor and aldermen shall be chosen by the inhabitants of the city at large, voting in their respective wards. The members of the common council shall be apportioned among the several wards, as nearly as may be according to the number of inhabitants therein; and each ward shall elect the number of common councilmen to which it shall be entitled on such apportionment, from persons who shall be residents in the ward by which they shall be chosen.

Election of mayor and aldermen.

Ratio and residence of common councilmen.

City divided into three wards.

SECT. 3. The city of Cambridge hereby is, and shall continue to be, divided into three wards; and the boundaries thereof shall be the same as the boundaries of the wards into which the town of Cambridge is now divided. But the city council shall once in five years, and not oftener, revise the same, and may, by a vote of not less than two thirds of the members of each board present, and voting thereon, so alter the boundaries of said wards, as shall be most for the convenience of the inhabitants thereof. For the first five years after the passage of this Act, the ward now known as ward number one, shall elect five members of the common council; the ward now known as ward number two, shall elect nine members of the common council; and the ward now known as ward number three, shall elect six members of the common council.

Arrangement thereof, to be revised every five years by the city council.

Apportionment of common councilmen therein.

Annual meeting of inhabitants, and term of city offices.

SECT. 4. The annual meeting of the inhabitants, for the choice of city officers, shall be holden on the first Monday in March and all city and ward officers, who are chosen by the people, shall be chosen by ballot, and shall hold their respec-

tive offices for one year, from the first Monday in April succeeding the annual meeting, and until others shall be chosen and qualified to act in their stead.

SECT. 5. All meetings of the inhabitants for the purpose of voting at elections, or for the transaction of municipal affairs, whether in general or in ward meetings, shall be holden in pursuance of warrants for that purpose, which shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner, and at such time, as the city council, by any by-law, shall direct.

Warrants for ward and city meetings.

SECT. 6. Each ward, at the annual meeting, shall choose for itself a warden, clerk, and three inspectors of elections, who shall be sworn to the faithful and impartial discharge of their respective duties relative to elections; and a certificate that said oath has been taken shall be entered in the records of the ward by the clerk thereof. The warden shall preside at all ward meetings, and shall be invested with all the powers, and shall perform all the duties, of a moderator of town meetings. If, at any such meeting, the warden shall not be present, the clerk shall call the meeting to order, and preside until a warden, *pro tempore* shall be chosen; and if the clerk shall not be present, a clerk *pro tempore* shall be chosen. The inspectors of elections shall, at all meetings, aid and assist the warden in preserving order, and in assorting and counting the votes; and all votes shall be assorted, counted, recorded, and declared, in open ward meeting. The clerk shall record, in the ward records, the votes and proceedings of all ward meetings, and shall enter on said records the names of all persons voted for, and the number of votes given for each, in words at length, and shall, within twenty-four hours after each and every ward meeting holden for the purpose of any election, deliver to the city clerk a true copy of the record of such election, certified by himself, the warden, and a majority of the inspectors. The clerk shall deliver to his successor in office all the records, record books, journals, documents, papers, and other things, held by him in his capacity of clerk of the ward. Each ward shall also at the annual meeting choose the number of common councilmen which it shall be entitled to elect. But if the choice of ward officers, or common councilmen, cannot be conveniently effected or completed on that day, the meeting shall be adjourned from day to day to complete the choice. The clerk of the ward shall, within twenty-four hours after such choice, deliver to the respective persons elected common councilmen, a certificate of their election, signed by himself, the warden, and a majority of the inspectors.

Election, qualification, and duties of wardens, clerks, and inspectors of elections.

Election of common councilmen.

Adjournments.

SECT. 7. The qualified voters in each ward shall, at the annual meeting, give in to the warden and inspectors their votes for a mayor and six aldermen; a copy of the record of

Proceedings at and after meetings for elections.

Records, and
certificates of
election.

Proceeding in
case of non-
election of
mayor or
aldermen.

In case of
death, resigna-
tion, etc.

Administra-
tion and record
of oaths of
office.

Proceedings in
case of absence
of mayor, etc.,
elect at the
time for
organization.

Duties of
mayor.

which shall be delivered to the city clerk, as provided in the preceding section. The city clerk shall immediately after receiving said copies enter the same, or a plain and intelligible abstract thereof, on the city records, and then lay said copies before the mayor and aldermen, who shall thereupon examine the same, and cause the persons who shall have been chosen mayor and aldermen respectively, by a majority of votes in all the wards, to be notified, in writing, of their election. If a mayor or the whole number of aldermen shall not have been so elected, or if either of the persons elected shall refuse to accept the office to which he was chosen, the mayor and aldermen shall make a record of the fact, and forthwith issue their warrant for another election; and the same proceedings shall be had, in all respects, as are provided in this section for the choice of mayor and aldermen; and the same shall be repeated, from time to time, until a mayor, and the whole number of aldermen, shall have been chosen. Whenever the office of mayor shall become vacant, by death, resignation, or otherwise, the boards of aldermen and common council shall, respectively, by vote, declare the same, and the cause thereof, and the expediency of filling such vacancy; and the two boards shall thereupon meet in convention, and elect a mayor to fill such vacancy for the time said cause shall continue, or until a new election.

SECT. 8. The mayor, aldermen, and common council shall, before entering on the duties of their office, be sworn to the faithful performance of the duties of their respective offices; and for that purpose shall meet in convention on the first Monday in April in each year, at ten of the clock in the forenoon, when such oath may be administered to the mayor elect, if present, by any judge of any court of record in the Commonwealth, or by any justice of the peace for the county of Middlesex, and to the aldermen and common councilmen by the mayor, he being first sworn as aforesaid, or by such justice of the peace. A certificate that such oath has been taken shall be entered in the journal of the mayor and aldermen and of the common council, by their respective clerks. If, from any cause, the mayor, or any one or more of the aldermen or common council shall not be present on the first Monday in April, to take the oath required of them, the same may be administered to them at any time thereafter, before entering on the duties of their office.

SECT. 9. The mayor thus chosen and qualified shall be the chief executive officer of the city. He shall cause the laws and regulations of the city to be executed and enforced. He shall exercise a general supervision over the conduct of all the subordinate officers, and cause their violation or neglect of duty to be punished. He may call special meetings of the board of aldermen and common council or either of them,

when, in his opinion, the interests of the city require it, by causing a notification to be left at the usual dwelling-place of each member of the board or boards to be convened. He shall, from time to time, communicate to said boards respectively, such information, and recommend such measures, as the interests of the city shall, in his judgment, require. He shall preside in the board of aldermen, and in joint meeting of the two boards; but shall have a casting vote only. He shall have the exclusive power of nomination, in all cases in which appointments are directed to be made by the mayor and aldermen; but such nominations shall be confirmed or rejected by the board of aldermen. He shall be *ex officio* chairman of the school committee, and of the board of overseers of the poor. His salary for the first year under this charter shall be six hundred dollars, and no more. He shall afterwards receive for his services such salary as the city council shall determine, payable at stated periods, and shall receive no other compensation, but such salary shall not be increased or diminished during his continuance in office.

Compensation.

SECT. 10. The mayor and aldermen shall compose one board, and shall sit and act together as one body, at all meetings of which the mayor shall preside, if present; but in his absence the board may choose a chairman for the time being. All their sittings shall be public, when not engaged in executive business.

Sessions of mayor and alderman to be public, except on executive business.

SECT. 11. The executive powers of the city, and the administration of police, with all the powers heretofore vested by law in the selectmen of Cambridge, shall be vested in the mayor and aldermen, as fully as if the same were herein specifically enumerated. They shall have full and exclusive power to appoint a city marshal and assistants, a constable or constables, and all other police officers; and to remove the same from office, for sufficient cause. They may require the marshal and constables, before entering on the duties of their office to give bonds, with sufficient sureties, to any reasonable amount; upon which the like proceedings and remedies may be had as are by law provided in case of constables' bonds required by selectmen of towns in this Commonwealth. They shall have power to grant licenses to innholders and victuallers and retailers, within the city, in the same manner as the mayor and aldermen of the city of Boston now have by provision of law. They shall prepare, revise, correct, and post up, in the manner that selectmen of towns are required to do, an alphabetical list of voters in each ward of the city; and for that purpose shall have access to the assessors' books and lists, and be entitled to the aid and assistance of the assessors, collector, and other city officers, and shall deliver the lists, so prepared and corrected, to the clerks of the respective wards, to be used at elec-

Executive powers of mayor and aldermen.

Power in respect to appointments, removals, bonds, licenses, etc.

Duties in respect to lists of voters.

tions. And they shall do and perform all the duties which the selectmen of towns are by law required to do and perform within their respective towns, unless it be otherwise provided in this Act.

Proceedings
after meetings
for election of
county, state,
or federal
officers.

SECT. 12. The mayor and aldermen shall, within two days after every meeting of the inhabitants holden for the choice of county, state, or United States officers, examine and compare the copies of the record of votes returned from all the wards, and make out returns of the same, including the names of all the persons voted for, and the number of votes given for each ; which returns shall be signed by the mayor and a majority of the aldermen, and countersigned by the city clerk, and shall be transmitted or delivered in the manner that similar returns are required to be made by selectmen of towns. They shall notify the persons, chosen to represent the city in the General Court, of their election, within three days after the choice ; and if the whole number of representatives determined upon by the city council shall not have been chosen at any such meeting, they shall forthwith issue their warrant for a new election conformably to the constitution and laws of the Commonwealth. The mayor and aldermen shall issue their warrant for a general meeting of the inhabitants, for any constitutional or legal purpose, whenever requested so to do in writing, by thirty legal voters. The board of aldermen shall be the final judge of the election and qualifications of its members ; and whenever a vacancy shall occur therein, by death, resignation, or otherwise, may order a new election.

Warrants for
city meetings.

Aldermen to
be judges of
elections, etc.,
and may order
new elections.

Fire
department.

SECT. 13. An Act establishing the fire department in the town of Cambridge, passed March seventeenth, one thousand eight hundred and thirty-two, and an Act in addition thereto, passed March thirtieth, one thousand eight hundred and thirty-five, shall continue in force, and all the power and authority now vested in the selectmen of Cambridge, in relation to the fire department in that town, shall be transferred to, and vested in, the mayor and aldermen.

Powers and
duties of com-
mon council,
and of their
president and
clerk.

SECT. 14. The persons chosen and qualified as members of the common council shall sit and act together as one body, distinct from the mayor and aldermen, except when the two bodies are required to meet and act in convention. The said council shall, from time to time, choose one of its members to preside at all meetings of the board, and preserve order therein ; and shall also choose a clerk, who shall be sworn to the faithful discharge of the duties of that office, and shall hold such office during the pleasure of the council. The clerk, so chosen and qualified, shall attend the common council when in session, and keep a journal of its acts, votes, and proceedings, and perform such other services in his said office, as the council may require. All sittings of the common

Sittings to be
public, etc.

council shall be public. The common council shall be the final judge of the election and qualifications of its members; and whenever a vacancy shall occur therein, by death, resignation, or otherwise, may order a new election.

SECT. 15. All the powers now vested by law in the town of Cambridge, or in the inhabitants thereof, as a municipal corporation, shall be vested in the city council composed as provided in the second section, and shall be exercised by concurrent vote, each board having a negative on the other.

Powers vested in city council.

SECT. 16. The city council shall have power to make all such salutary and needful by-laws as towns by the laws of the Commonwealth have power to make, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect, and be in force, from the time therein limited, without the sanction or confirmation of any other authority whatever. All such by-laws and all city ordinances shall be duly published, in such newspaper or newspapers as the city council shall direct. All fines and forfeitures for the violation of any by-law or ordinance of the city, shall be recovered by complaint before any justice of the peace for the county of Middlesex, and shall enure to such uses as the city council shall direct; but the party prosecuted shall have the right of appeal to the court of common pleas, in the same manner, and upon the same terms and conditions, as are provided by law for appeals from the judgment of justices of the peace in other criminal prosecutions. It shall be sufficient, in any such complaint, to set out the offence plainly and substantially; but the by-law or ordinance, on which the complaint is founded, need not be recited or set out.

Power of city council to make by-laws, etc.

To publish by-laws.

Recovery and uses of fines, etc.

Appeals from justices' court.

Form of complaint.

SECT. 17. The city council shall take proper care that no money be paid from the city treasury unless previously granted and appropriated; shall secure a just and prompt accountability from all persons entrusted with the receipt, custody, or disbursement of the moneys or funds of the city; shall have the care and superintendence of the city buildings, and all city property, and the power to let or sell what may be legally let or sold, and to purchase property, real or personal, in the name and for the use of the city, whenever the interest or convenience of the city, shall require it. The city council shall, once in every year, at least, publish, for the use and information of the inhabitants, a particular account of the receipts and expenditures of the city, and a schedule of the property and debts of the city.

Grants or appropriations of money. Accountability. Care of public property.

Accounts, etc., to be published annually.

SECT. 18. The city council shall have exclusive authority and power to lay out new streets or ways within said city, and to estimate the damage which any person shall sustain thereby; but all petitions and questions, relating to laying out, widening, altering, or discontinuing any street or way,

Power of mayor, aldermen, and of city council in respect to streets and ways.

Estimate and recovery of damages.

shall be first acted on by the mayor and aldermen. Any person, aggrieved by the decision or judgment of the mayor and aldermen, or of the city council, in relation to laying out, widening, altering, or discontinuing any street or way, or in the estimate of damages, may, within six months thereafter, make complaint to the county commissioners in the county of Middlesex; upon which complaint the same proceedings shall be had as are provided in the twenty-fourth chapter of the Revised Statutes, in cases where persons are aggrieved by the decision or judgment of selectmen of towns.

Power of city council in respect to drains and common sewers.

SECT. 19. The city council shall have the power to construct drains and common sewers through any highways, streets, or private lands, paying the owners such damage as they shall sustain thereby; and to require all persons to pay a reasonable sum for the right to open any drain into such public drain or common sewer.

Health officers.

SECT. 20. All the power and authority now vested by law in the board of health for the town of Cambridge shall be transferred to, and vested in, the city council, and shall be carried into execution by the appointment of health commissioners, or in such other manner as the city council shall determine.

City council to provide for the appointment, etc., of certain officers.

SECT. 21. The city council shall have the power to provide for the appointment or election of all necessary officers for the good government of the city, not otherwise provided for, and to prescribe their duties and fix their compensation; but no person shall be elected by the city council, or appointed by the mayor and aldermen, to any office of emolument, who, at the time of his election or appointment, shall be a member of the board of aldermen or of the common council.

But not from their own body.

Election, duties, etc., of clerk.

SECT. 22. The city council shall, annually, in the month of April, meet in convention, and elect, by joint ballot, a city clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall hold his office one year, and until another shall be chosen and qualified; removable, however, at the pleasure of the city council. The city clerk shall be *ex officio* clerk of the board composed of the mayor and aldermen. He shall keep a journal of all the votes and proceedings of the mayor and aldermen, and also of the city council, when sitting in convention; and shall perform such other duties as the mayor and aldermen or the city council shall prescribe. He shall also perform all the duties, and exercise all the powers, incumbent upon, and vested in, the town clerk of the town of Cambridge. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record books, papers, documents, or other things, held by him in his capacity as city clerk.

SECT. 23. The city council shall also, in the month of April, annually, in convention and by joint ballot, elect a city treasurer, a collector of taxes, and all other subordinate officers, who are not chosen by the inhabitants or appointed by the mayor and aldermen; and shall also fill all vacancies which shall exist in the boards of assessors, assistant assessors, overseers of the poor, or school committee, by reason of a failure to elect by the inhabitants at the annual meeting. The candidates for filling such vacancies shall be determined in the manner provided by the constitution of the Commonwealth for fixing upon candidates to fill vacancies in the State senate.

City council to elect treasurer, etc., fill vacancies, etc., in April.

SECT. 24. The city council, shall, annually, in the month of October, meet in convention, and determine the number of representatives which the city shall elect to the General Court, and publish such determination, which shall be conclusive; and the number thus determined, shall be specified in the warrant calling the meeting for the election of representatives.

Power of city council to determine number of representatives in general court.

SECT. 25. The city council, shall, in the month of January, in the year one thousand eight hundred and fifty-one, and once in every five years thereafter, determine the number of members of the common council which each ward shall be entitled to elect, as provided in the second section.

Power of city council to determine number of members of common council in the wards.

SECT. 26. The qualified voters of the city, at the annual meeting, shall choose seven persons for a school committee, two of whom shall be residents in ward number one, three in ward number two, and two in ward number three; six persons to be overseers of the poor, two of whom shall be resident in each ward; three persons to be assessors, one of whom shall be a resident in each ward; and such number of assistant assessors as the city council shall determine. The assessors and assistant assessors shall be sworn to the faithful discharge of their duties, and shall perform all such duties as the assessors of towns are required by law to perform; and the boards of school committee and overseers of the poor, with the mayor as chairman of each, shall perform all such duties as the school committees and overseers of the poor in towns are required by law to perform.

School committee.

Overseers of the poor.

Assessors. Assistant assessors.

Duties of same.

SECT. 27. All meetings of the inhabitants, for the election of county, State, or United States officers, who are voted for by the people, shall be held in their respective wards, at the time fixed by law for those elections, respectively.

Meetings for election of county, State, and federal officers.

SECT. 28. After the acceptance of this Act by the inhabitants of the town of Cambridge, and during the month of April in the present year, the selectmen of said town, for the purpose of the first election under this charter, shall issue their warrant for a meeting of the inhabitants, in their respective wards, for the choice of all city officers who are

First election of city officers, etc.

directed to be chosen by the people, and such county officers as are to be voted for by other towns in the county of Middlesex, at their annual meeting in the present year. Such warrant shall be served seven days, at least, before the time appointed for said meeting, and shall designate the time and place of the meeting in the respective wards. At said meeting, the wards respectively, shall choose a warden, clerk, three inspectors of elections, and the number of members of the common council which they are entitled to elect, by the third section of this Act; and shall also give in their votes for a mayor, six aldermen, seven members of the school committee, six overseers of the poor, three assessors, and such county officers as are then to be voted for. If the whole number of ward officers or common councilmen, in either ward, cannot be chosen on that day, the meeting may be adjourned, from day to day, to complete the choice. The clerks of the respective wards shall deliver certificates to the persons elected members of the common council, and copies of the record of the election to said selectmen, within the time, and signed and certified in the manner, provided in the sixth section. The selectmen shall within two days after receiving said returns, examine and compare the same, ascertain the result of the election, and give notice in writing to the persons chosen mayor and aldermen, of their election. If a mayor, or the whole number of aldermen, shall not have been elected at such meeting, the selectmen shall forthwith issue their warrant for another meeting, as provided in this section; and the same proceedings shall be had and repeated, until a mayor and six aldermen shall have been chosen. Any legal voter in the respective wards may call the said first meeting to order, and preside until a warden shall have been chosen.

Ward officers.

Adjournments.

Organization of city government.

Annual town meeting suspended.

SECT. 29. Immediately after the election of city officers, as provided in the preceding section, the said selectmen shall appoint a place and some day not later than the first Monday in June, of the present year, for the first meeting of the city council, and for the organization of the city government, established by this Act: and shall give notice thereof in writing to all the city officers elect, and shall also publish a notice thereof in one or more newspapers printed in Boston. The mayor, aldermen, members of the common council, and all other city officers elect, shall meet at the time and place designated in such notices, and shall respectively take the oath required of them by this Act, and shall then enter upon and perform all the duties of their respective offices, in the same manner as if they had been elected prior to the first Monday in April of the present year.

SECT. 30. The annual town meeting of the town of Cambridge, for the present year, shall be suspended, and may be holden in the month of May or June, if this Act shall not be

adopted by the inhabitants of the town, as provided in the thirty-fourth section.

SECT. 31. All officers of the town of Cambridge, having the care and custody of any records, papers, or property, belonging to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

Delivery of records, etc., to city clerk.

SECT. 32. All Acts and parts of Acts, inconsistent with the provisions of this Act, are hereby repealed.

Repeal of inconsistent provisions.

SECT. 33. Nothing in this Act contained shall be so construed as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient.

Legislature may alter and amend this Act.

SECT. 34. This Act shall be void, unless the inhabitants of the town of Cambridge, at a legal town meeting, called for that purpose, shall, by a majority of the voters present, and voting thereon, by ballot, determine to adopt the same within twenty days after its passage.

Act to be void unless accepted by inhabitants.

SECT. 35. This Act shall go into operation from and after its passage. (March 17, 1846.)

When to take effect.

Adopted March 30, 1846 (Town Records, Vol. F, Page 7).

AN ACT in addition to "An Act to establish the City of Cambridge."

Be it enacted, etc., as follows :

SECTION 1. The election of the mayor, aldermen, and common councilmen, and such other officers of the city of Cambridge, as are now by law to be chosen on the first Monday in March annually, shall in future be made on the first Monday in December annually : and the said officers, so chosen, shall hold their respective offices for the same term of time, and the same proceedings shall be had in relation to such elections, as are provided in the Act, entitled "An Act to establish the city of Cambridge," to which this is an addition : provided, nevertheless, that the next choice of the said city officers, after the acceptance of this Act by the inhabitants of the said city of Cambridge, as hereinafter provided, shall be made at such time, and in such manner, as are prescribed in the Act aforesaid, and the officers so elected shall severally hold their offices until the first Monday of January next succeeding such election, anything in this Act to the contrary notwithstanding.

Election of mayor, etc.

Proviso.

SECT. 2. The election of a city clerk, a city treasurer, and a collector of taxes, who are now by law to be chosen, and all vacancies which are now by law to be filled by the city council, in the month of April annually, shall in future be respectively made and filled by the city council, in the month of January annually, in the like form and manner, and for the same term of

City clerk, treasurer, and collector.

Proviso. service, as are prescribed in the Act to which this Act is in addition; provided, nevertheless, that the next choice of such officers, and the next vacancies occurring after the acceptance of this Act by the inhabitants aforesaid, as hereinafter provided, shall be made and filled at such time, and in such manner, as are prescribed in the Act aforesaid, to which this is in addition: and the officers so elected, shall severally hold their offices until the first Monday in January next succeeding said election, anything in this Act to the contrary notwithstanding.

When officers to enter on their duties. SECT. 3. The officers chosen by virtue of this Act shall enter upon the duties of their respective offices on the first Monday of January in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers to which the said officers are respectively subject or entitled, by virtue of the Act to which this is in addition, and of all other Acts having relation to this subject matter.

Boundaries of wards, and members of the common council to continue the same as now till October, 1856. SECT. 4. The boundaries of the several wards, and number of members of the common council which each ward shall be entitled to elect, shall continue to be the same as at present established until the month of October, in the year one thousand eight hundred and fifty-six, at which time, and once in every five years thereafter, the city council shall revise the same, and make such alterations therein, in like form and manner, as are prescribed in the Act to which this is in addition.

City council may establish a fire department. SECT. 5. The city council of the city of Cambridge may establish a fire department for the said city, to consist of so many engineers and other officers, and so many engine men and other members, as the city council by ordinance shall, from time to time, prescribe; and the said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal of either of such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and, in general, to make such regulations in regard to their conduct and government, and to the management and conduct of fires, and persons attending at fires, subject to the penalties provided for the breach of the city by-laws, as they shall deem expedient: provided, that the appointment of engine men, hose men, and hook and ladder men, shall be made by the mayor and aldermen exclusively.

May make provision, etc.

Fix and pay compensation, etc.

Proviso.

Acts of 1832 and 1835 to continue in force except, etc. SECT. 6. An Act establishing the fire department in the town of Cambridge, passed March seventeenth, in the year one thousand eight hundred and thirty-two, and an Act in addition thereto, passed March thirtieth, in the year one thousand eight hundred and thirty-five, shall continue in

force, except in regard to the power of making by-laws, and publishing the same, and except also, in so far as they are otherwise inconsistent with the preceding section, in which respects they shall be void.

SECT. 7. The city council shall have exclusive authority and power to lay out new streets or ways within said city, and to estimate the damage which any person shall sustain thereby; but all petitions and questions relating to the laying out, widening, altering, or discontinuing, of any street or way, shall be first acted upon by the mayor and aldermen. Any person, dissatisfied with the decision of the city council in the estimate of damages, may, within six months thereafter, make complaint to the county commissioners in the county of Middlesex, upon which complaint the same proceedings shall be had as are provided in the twenty-fourth chapter of the Revised Statutes, in cases where persons are aggrieved by the assessment of damages by selectmen.

Power to lay out new streets, etc.

Persons dissatisfied may make complaint to county commissioners, etc.

SECT. 8. If a vacancy shall exist in any of the boards of assessors, assistant assessors, overseers of the poor, or school committees, by failure of the inhabitants to elect, by neglect or refusal to serve, by death, resignation, or any other cause, the city council shall fill such vacancy, as soon as may be after the knowledge of the fact: provided, that nothing herein contained shall be construed to prevent the operations of the one hundred and forty-fourth chapter of the Act passed on the twenty-sixth day of April, in the year one thousand eight hundred and forty-nine, relating to such vacancies therein mentioned as may occur in the school committee after the date of the warrant for the annual town meeting for the election of their successors.

Certain vacancies shall be filled by city council.

Proviso.

SECT. 9. No board or committee of the city council, or of either branch thereof, shall make any contract on behalf of, and binding upon, the said city, the amount of which contract shall exceed the specific appropriations of the city council previously made therefor.

No contracts to exceed the specific appropriations therefor.

SECT. 10. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Acts repealed.

SECT. 11. This Act shall not go into operation until it shall have been adopted by ballot, by the inhabitants of the said city of Cambridge, at a meeting duly called for that purpose by the mayor and aldermen. (April 30, 1851.)

When to take effect.

Rejected by the people October 6, 1851 (City Records, Vol. G, Page 285).

AN ACT to incorporate the Cambridge Gas-Light Company.

Be it enacted, etc., as follows:

SECTION 1. Charles C. Little, Isaac Livermore, and Gardner G. Hubbard, their associates and successors are hereby

Corporators.

Powers and duties.	made a corporation by the name of the Cambridge Gas-Light Company, for the purpose of making and selling gas in the city of Cambridge, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
Capital stock.	SECT. 2. The capital stock of said company shall not exceed three hundred thousand dollars; and said corporation
Real estate.	may hold real estate not exceeding in value one hundred thousand dollars.
No shares to be issued under par.	SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.
Corporation with consent authorized to open ground in streets, etc.	SECT. 4. Said corporation, with the consent of the mayor and aldermen of the city of Cambridge, shall have the power and authority to open the ground in any part of the streets, lanes, and highways in said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes, and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: provided, that the said mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict, and control all the acts and doings of said corporation, which may, in any manner, affect the health, safety, and convenience, of the inhabitants of said city.
To put the same in repair.	
Proviso.	
Mayor and aldermen may have power to regulate, etc.	
Takes effect.	SECT. 5. This Act shall take effect from and after its passage. (March 15, 1852.)

AN ACT to incorporate the Cambridge Water Works.

Be it enacted, etc., as follows:

Corporators.	SECTION 1. Estes Howes, Gardiner G. Hubbard, Moses M. Rice, their associates and successors, are hereby made a corporation by the name of the Cambridge Water Works, for the purpose of supplying the city of Cambridge with water, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eight and forty-fourth chapters of the Revised Statutes.
Powers and duties.	SECT. 2. The city of Cambridge may at any time during the continuance of the charter hereby granted, purchase the corporate property, and all the rights and privileges of the said corporation at such price as may be agreed upon between the said parties, and in case of disagreement, the
City may purchase corporate rights, etc.	
In case of disagreement.	

supreme judicial court, upon application by either party, shall be authorized to appoint three commissioners to settle such disagreement.

SECT. 3. The said corporation, with the consent of the mayor and aldermen of the city of Cambridge, shall have power and authority to open the ground in any part of the streets, lanes, and highways in the said city, for the purpose of conducting and distributing water through the said city. And the said corporation, after opening the ground as aforesaid, shall be held to put the same into repair under the penalty of being prosecuted as a nuisance; provided, that the said mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict, and control, the acts and doings of said corporation which may in any manner effect the health, safety, or convenience, of the inhabitants of said city.

Corporation with consent, may open grounds, etc., for conducting water.

Proviso.

SECT. 4. The said corporation may, for the purposes aforesaid, hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed five hundred thousand dollars.

Real estate.

Capital stock.

SECT. 5. This Act shall take effect from and after its passage. (May 20, 1852.)

AN ACT concerning the Union Railway Company.

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Cambridge, and the selectmen of the town of Somerville, shall have full power to determine in what manner said railroad shall be constructed across the streets within said city of Cambridge and town of Somerville, whether at grade, or otherwise, and what securities shall be provided and maintained by said corporation at such crossings.

Crossing the streets of Cambridge and Somerville, how determined.

SECT. 2. The Union Railway Company are hereby authorized to enter upon and unite their railroad with the Grand Junction Railroad, and may at any time lease their road, or transfer their property and franchises to the Grand Junction Railroad and Depot Company, and the Grand Junction Railroad and Depot Company may build and maintain said Union Railway.

May enter upon Grand Junction Railroad, and may lease, etc.

SECT. 3. So much of an Act of this Commonwealth, entitled "AN ACT to incorporate the Union Railroad Company," passed May tenth, eighteen hundred and forty-eight, as is inconsistent with the provisions of this Act, is hereby repealed.

Part of former Act repealed.

SECT. 4. This Act shall take effect from and after its passage. (April 14, 1853.)

AN ACT in addition to an Act to establish the City of Cambridge.

Be it enacted, etc., as follows : —

Time of elect-
ing mayor and
other officers
changed.

SECTION 1. The election of mayor, aldermen, and common councilmen, and such other officers of the city of Cambridge as are now by law to be chosen on the first Monday in March, annually, shall in future be made on the first Monday in December, annually; and the said officers, so chosen, shall hold their respective offices for the same term of time, and the same proceedings shall be had in relation to such elections as are provided in the Act, entitled, "AN ACT to establish the City of Cambridge," to which this is in addition: provided, nevertheless, that the next choice of the said city officers, after the acceptance of this Act by the inhabitants of the said city of Cambridge, as hereinafter provided, shall be made at such time, and in such manner, as are prescribed in the Act aforesaid; and the officers so elected, shall severally hold their offices until the first Monday of January next succeeding such election, anything in this Act to the contrary notwithstanding.

Proviso.

City council to
elect clerk,
etc., and fill
vacancies in
January.

SECT. 2. The election of a city clerk, a city treasurer, and a collector of taxes, who are now by law to be chosen, and all vacancies which are now by law required to be filled by the city council, in the month of April, annually, shall in future be respectively made and filled by the city council in the month of January, annually, and in like form and manner, and for the same term of service, as are prescribed in the Act to which this Act is in addition; provided, nevertheless, that the next choice of such officers and the next vacancies occurring, after the acceptance of this Act by the inhabitants aforesaid, as hereinafter provided, shall be made and filled at such time and in such manner, as are prescribed in the Act aforesaid, to which this is in addition: and the officers so elected, shall severally hold their offices until the first Monday in January next succeeding such election, anything in this Act to the contrary notwithstanding.

Proviso.

Powers and
duties of
officers.

SECT. 3. The officers chosen by virtue of this Act, shall enter upon the duties of their respective offices on the first Monday in January in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers, to which the said officers are respectively subject or entitled by virtue of the Act to which this is in addition, and of all other Acts having relation to this subject-matter.

Boundaries of
wards.

SECT. 4. The boundaries of the several wards, and the number of members of the common council which each ward shall be entitled to elect, shall continue to be the same as at present established, until the month of October, in the year one thousand eight hundred and fifty-six; at which time, and

once in every five years thereafter, the city council shall revise the same, and make such alterations therein, in like form and manner as are prescribed in the Act to which this is in addition.

SECT. 5. The city council of the city of Cambridge may establish a fire department for the said city, to consist of so many engineers, and other officers, and so many engine men and other members, as the city council, by ordinance, shall, from time to time, prescribe; and the said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal, of either such officers or members; and to make such requisitions in regard to their conduct and government, and to the management and conduct of fires, and persons attending at fires, subject to the penalties provided for the breach of the city by-laws, as they shall deem expedient; provided, that the appointment of engine men, hosemen, and hook and ladder men, shall be made by the mayor and aldermen exclusively.

City council may establish a fire department.

SECT. 6. An Act establishing a fire department in the town of Cambridge, passed March seventeenth, in the year one thousand eight hundred and thirty-two, and an Act in addition thereto, passed March thirtieth, in the year one thousand eight hundred and thirty-five, shall continue in force, except in regard to the power of making by-laws and publishing the same, and except, also, in so far as they are otherwise inconsistent with the preceding section; in which respects they shall be void.

Former Acts to continue in force.

SECT. 7. The city council shall have exclusive power and authority to lay out new streets or ways within the said city, and to estimate the damage which any person shall sustain thereby; but all petitions and questions relating to the laying out, widening, altering or discontinuing, of any street or way, shall be first acted upon by the mayor and aldermen. Any person dissatisfied with the decision of the city council in the estimate of damages, may, within six months thereafter, make a complaint to the county commissioners, in the county of Middlesex, upon which complaint the same proceedings shall be had as are provided in the twenty-fourth chapter of the Revised Statutes, in cases where persons are aggrieved by the assessment of damages by selectmen.

City council to lay out streets.

Persons dissatisfied may make complaint, etc.

SECT. 8. If a vacancy shall exist in any of the boards of assessors, assistant assessors, overseers of the poor, or school committee, by failure of the inhabitants to elect, by neglect or refusal to serve, by death, resignation, or any other cause, the city council shall fill such vacancy as soon as may be after the knowledge of the fact; provided, that nothing therein contained shall be construed to prevent the operation of the Act passed on the twenty-sixth day of April, in the

Vacancies, how filled.

year one thousand eight hundred and forty-nine, being chapter one hundred and forty-four of the Acts of said year, relating to such vacancies, therein mentioned, as may occur in the school committee after the date of the warrant for the annual town meeting for the election of their successors.

Officers ac-
countable for
public money.

SECT. 9. All boards and officers acting under the Act of incorporation of the city of Cambridge, and entrusted with the expenditure of public money, shall be accountable therefor to the city council in such manner as they may direct.

Contracts not
to exceed ap-
propriations.

SECT. 10. No board or committee of the city council, or of either branch thereof, shall make any contracts on behalf of, or binding upon, the said city, the amount of which contracts shall exceed the specific appropriations of the city council previously made therefor.

Inconsistent
Acts repealed.

SECT. 11. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Act to be void,
unless, etc.

SECT. 12. This Act shall be void, unless the inhabitants of the said city of Cambridge, at a legal meeting called for that purpose, shall, by a majority of the voters present and voting thereon, by ballot, determine to adopt the same. (April 14, 1853.)

Accepted December 5, 1853 (City Records, Vol. H, Page 83).

AN ACT to authorize the city of Cambridge to take stock in the Cambridge Water Works, or to loan money on pledge of the stock of said company.

Be it enacted, etc., as follows:

City of Cam-
bridge author-
ized to take
stock in water
works.

SECTION 1. The city of Cambridge are hereby authorized to subscribe for any portion of the stock of the Cambridge Water Works, and said shares may be paid for in cash or in exchange for bonds of the said corporation, at not less than the par value thereof; or to loan money to the said company on pledge of their stock.

SECT. 2. This Act shall take effect from and after its passage. (May 11, 1853.)

AN ACT to incorporate the Cambridge Railroad Company.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Gardiner G. Hubbard, Charles C. Little, and Isaac Livermore, their associates and successors, are hereby made a corporation by the name of the Cambridge Railroad Company, with power to construct, maintain, and use a railway, or railways, with convenient single or double tracks from such point or points of the city of Cambridge, upon and over the streets or highways therein, as shall

Location.

be, from time to time, fixed and determined by vote of the mayor and aldermen of the said city of Cambridge, and assented to in writing by said corporation: and over the roads, estates, and bridges, belonging to the Hancock Free Bridge Corporation, to the intersection of the same with the streets of the city of Boston, as shall be, from time to time fixed and determined by vote of the directors of the Hancock Free Bridge Corporation, and assented to in writing by said corporation, paying said Hancock Free Bridge Corporation such compensation or tolls, for the right of using said roads, estates, and bridges, as may be mutually agreed upon; or if the respective corporations shall be unable to agree upon the compensation so as aforesaid to be paid, the supreme judicial court, upon the petition of either party, and upon notice to the other party, shall appoint three commissioners, who shall, upon due notice to the parties interested, proceed to determine and fix the rate of compensation or toll. And the award of said commissioners, or a major part of them, shall be binding upon the respective corporations interested therein, until they shall have been revised or altered by commissioners so appointed as aforesaid; but no such revision or alteration shall be made by such commissioners within one year after such decision and award shall have been made; and thence upon and over such streets and highways of the city of Boston to such point or points, in said city as may, from time to time, be fixed and determined by vote of the mayor and aldermen of the said city of Boston, and assented to in writing by said corporation: provided, however, that all tracks of said railroad shall be laid at such distances from the sidewalks in said cities, as the mayor and aldermen thereof respectively, shall, in their orders fixing the routes of said railroad, determine to be for the public safety and convenience. The written assent of said corporation to any vote or votes of the mayor and aldermen of said cities, and of the Hancock Free Bridge Corporation, prescribing, from time to time, the routes of said road, shall be filed with the respective clerks of said cities and corporations, and shall be taken and deemed to be locations thereof; and said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons or property, as they may think expedient, and shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Compensation.

If unable to agree, supreme judicial court to appoint three commissioners.

Proviso.

SECT. 2. Said tracks or roads shall be operated and used by said corporation with horse-power only, and it shall not connect its track with any other railroad on which other power is used. The mayor and aldermen of said cities, respectively, shall have power at all times to make all such

To be operated by horse-power only.

regulations as to the rate of speed and mode of use of said tracks, as the public convenience and safety may require.

Corporation to keep streets in repair, liable, etc.

SECT. 3. Said corporation shall maintain and keep in repair such portion of the streets and bridges, respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct, of its agents and servants in the management, construction, or use, of said tracks, roads or bridges; and in case any recovery shall be had against either of said cities or said bridge corporation by reason of such defect or want of repair, said corporation shall be liable to pay to said cities and said bridge corporation, respectively, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by said cities or said bridge corporation, or either of them, in the defence of any such suit or suits in which recovery shall be had, and shall not incur any portion of the streets or bridges not occupied by the said roads or tracks.

Penalty for obstructing corporation.

SECT. 4. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. If said corporation or its agents or servants shall wilfully and maliciously obstruct any highway, or the passing of any carriage over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Penalty if corporation obstruct.

Capital stock.

SECT. 5. The capital stock of said corporation shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars each. And no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares which shall first be issued.

No shares to be issued under par.

Real estate.

SECT. 6. Said corporation shall have power to purchase and hold such real estate within said cities, or either of them, as may be convenient or necessary for the purposes and management of said road.

Boston and Cambridge may purchase franchise, etc.

SECT. 7. The cities of Boston and Cambridge, may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights, and furniture of said corporation, by paying them therefor such a sum as will reimburse to each person, who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon.

SECT. 8. The said road shall be constructed and maintained in such form and manner, and upon such grade, and with such gauge, as the mayor and aldermen of said cities and the said bridge corporation, respectively, may, in their votes, fixing and determining the routes thereof as aforesaid, prescribe and direct, and whenever, in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation, provided the same shall be assented to by the mayor and aldermen of said cities respectively.

Mayor and aldermen of cities to determine grade, etc.

SECT. 9. Nothing in this Act shall be construed to prevent the city authorities of either of said cities, or said bridge corporation from entering upon, and taking up any of the public streets or bridges traversed by said railroad for the purpose for which they may now lawfully take up the same.

This Act shall not prevent cities from taking up streets, etc.

SECT. 10. This Act shall be void so far as relates to the right to construct said road in either of said cities, unless the same shall be accepted by the city councils of said cities respectively, and unless the same shall be accepted by said corporation, and ten per cent. of the capital stock thereof paid in within two years from the passage of this Act.

To be void, unless, etc.

SECT. 11. Said corporation shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature as are, or may be, prescribed by law, but not to the other general provisions of law in relation to railroad corporations.

Corporation subject to make annual returns, but, etc.

SECT. 12. The existence of said corporation is hereby limited to a period of fifty years from the passage hereof. (May 25, 1853.)

Limited to fifty years.

An Act in addition to an Act to incorporate the Cambridge Railroad Company.

Be it enacted, etc., as follows:

SECTION 1. That at any time after the expiration of one year from the opening for use of the tracks of said railroad in any street in which the same may be located, as provided by its charter, the mayor and aldermen of the cities of Boston and Cambridge, respectively, may by vote of the major part thereof, determine as to so much of said track as is located within the limits of their respective cities, that the same or any part thereof, be discontinued, and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed in conformity with such vote or order of said mayor and

May remove tracks.

Proviso. aldermen ; provided that such taking up and removal shall be at the expense of said railroad company.

Fare. SECT. 2. The rates of fare upon the said railroad, between any two points of the city of Boston, shall never exceed five cents for each passenger, unless with the assent of the mayor and aldermen of said city.

Notice to abutters. SECT. 3. Notice to abutters on streets in which it may be proposed to lay the tracks of said corporation shall be given by the publication in one or more newspapers published in the cities of Boston and Cambridge, of an order of notice from the mayor and aldermen of said respective cities, fourteen days at least prior to the location of any such tracks.

Cities may purchase, etc. SECT. 4. Either of the cities of Boston and Cambridge, if it so elect, may purchase, on the same terms and conditions as are mentioned in the seventh section of the Act, to which this is in addition, that part of the corporate property of this company which relates or lies within its own limits, paying therefor a proportional sum to be ascertained by commissioners to be appointed by the supreme judicial court.

Act void, unless, etc. SECT. 5. This Act shall be void and of no effect, unless the same shall be accepted by the city council of the cities of Boston and Cambridge, respectively, within one year from the date thereof.

SECT. 6. This Act shall take effect from and after its passage. (March 31, 1854.)

Accepted June 19, 1854 (City Records, Vol. H, Page 187).

AN ACT to establish a Police Court within the City of Cambridge.

Be it enacted., etc, as follows :

Police court established. SECTION 1. A Police Court is hereby established in the city of Cambridge, to consist of one competent and discreet person to be appointed and commissioned by the governor pursuant to the constitution as standing justice.

Jurisdiction. SECT. 2. The said Court shall have original and exclusive jurisdiction over all crimes, offences, and misdemeanors committed within said city of Cambridge, whereof justices of the peace now have, or may hereafter have, jurisdiction ; also of all suits and actions which may now or at any time hereafter be heard, tried, and determined before any justice of the peace in the county of Middlesex, whenever all the parties shall reside in Cambridge, and service of the writ is had on the defendant in said county. The said Court shall have original and concurrent jurisdiction with justices of the peace in said county of Middlesex, over all crimes, offences, and misdemeanors whereof justices of the peace now have or hereafter may have jurisdiction ; also of all suits and actions within the jurisdiction of any justice of the peace within the county of Middlesex.

SECT. 3. All warrants issued by the said Court or by any justice of the peace in Cambridge, in any criminal suit or prosecution shall be made returnable before the said Court.

Returns of warrants.

SECT. 4. No fees shall be allowed to any justice of the peace for any warrant issued by him returnable before said Court, unless it shall appear to the Court that there was just and reasonable cause for issuing the warrant.

No fees allowed to justices of the peace.

SECT. 5. Every justice of the peace in the city of Cambridge shall, notwithstanding anything contained in this Act, have and exercise all the powers and duties of conservator of the peace for suppressing all affrays, riots, assaults and batteries, and for arresting all persons concerned therein; and all persons so arrested, whether upon a warrant in writing or otherwise, shall be brought before the said Court for examination to be there dealt with according to law.

Justices of the peace to be conservators, etc.

SECT. 6. An appeal shall be allowed from all judgments of said Police Court in like manner, and to the same extent that appeals are now allowed by law from judgments of justices of the peace, and the justice of said Police Court shall not be of counsel to any party in any cause which may be pending in said Court.

Appeal allowed.

SECT. 7. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by; or paid into the hands of, the justice of said Court shall be by him accounted for, and paid over to the same persons in the same manner and under the same penalties as are by law prescribed in the case of justices of the peace. All costs in such prosecutions not thus received shall be made up, taxed, certified, and allowed, and shall be paid in like manner as is provided by law in cases of justices of the peace.

Fines, etc., how disposed of.

SECT. 8. The justice of said Court shall receive an annual salary of not less than one thousand dollars, the amount of which, if above that sum, shall be determined not oftener than once in each year by the concurrent vote of the two branches of the city council of said city, and said salary shall be paid to him in equal quarterly payments out of the treasury of said city, and shall be in full for all services which he is or may hereafter be required or authorized to perform as said justice.

Salary of justice.

SECT. 9. A Court shall be holden by the standing justice, or by the special justice, at some suitable and convenient place to be provided by the city on every day of the week, Sundays and days of public thanksgiving and fast excepted, at such hour in the forenoon as said standing justice shall by general rule appoint to take cognizance of crimes, offences, and misdemeanors, and on one fixed day of the week at ten o'clock in the forenoon, and by adjournment so much oftener as may be necessary for the entry and trial of civil actions, the hearing of motions, and such other civil business as may

Court, how often to be held.

come before it. And the said standing justice shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business of said Court.

Justice to
keep a fair
record and
make return.

SECT. 10. The justice of said Court shall keep a fair record of all proceedings in said Court, and shall make return to the several Courts of all legal processes, and of his doings therein in the same manner as justices of the peace are now by law required to do; and he shall also annually, in the month of December, exhibit to the city council of the said city of Cambridge a true and faithful statement of moneys received by him as fees.

Fees, etc., paid
to city
treasurer.

SECT. 11. The justice of said Court shall, twice in every year on the first day of June, and on the first day of December, account for and pay over to the treasurer of the said city of Cambridge all fees of every description received by him in the course of his judicial proceedings, civil or criminal.

Clerk
appointed and
sworn.

SECT. 12. The justice of said Court is hereby authorized to appoint a clerk of said Police Court to be paid by him, and to hold his office during the pleasure of said justice whenever, in his discretion, the business of the Court shall require such appointment. And the clerk so appointed shall be duly sworn to the faithful discharge of the duties of his office, and under the direction of the justice shall keep a fair record of all the proceedings of said court.

Jurisdiction
not limited by
interest of
justices.

SECT. 13. The jurisdiction of said police court shall not be limited by reason of any interest on the part of the justices of said court in the payment of fines and costs into the treasury of said city of Cambridge, or of the county of Middlesex.

One special
justice.

SECT. 14. There shall be appointed by the governor, by and with the advice and consent of the council, one special justice of said court, who shall have power, in case of the absence, sickness, interest, or other disability of the standing justice to issue the processes of said court, to hear and determine any matter or cause pending, and to exercise all the powers of the standing justice, until such disability be removed. The said special justice shall be paid for the services performed by him, out of the salary of the standing justice, such sum as said standing justice would be entitled to for the same services.

Pending
actions, how
disposed of.

SECT. 15. All suits, actions, and prosecutions, which shall be pending within the said city of Cambridge, before any justice of the peace, when this Act shall take effect, shall be heard and determined as though this Act had not passed.

Justices, when
appointed.

SECT. 16. The governor shall have power, by and with the advice and consent of the council, to appoint said standing and special justice at any time after the passage of this Act.

Act void,
unless
accepted, etc.

SECT. 17. This Act shall not take effect unless accepted

by the city council of Cambridge within sixty days from its passage. (April 19, 1854.)

Accepted June 7, 1854 (City Records, Vol. II, Page 167).

AN ACT to authorize the County Commissioners of the County of Middlesex to alter the highway and bridge between Charlestown and Cambridge.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the County of Middlesex are hereby authorized and empowered so to alter the highway and bridge between Charlestown and Cambridge, established by the Act passed April twenty-fourth, in the year eighteen hundred and thirty-eight, being chapter one hundred and seventy-four of the laws of that year, as to afford greater security to the public travel across the several railroads crossing said highway or bridge, and greater facilities for navigation; provided, the same can be done with the concurrence, and at the expense, of said railroad corporations. Highway and bridge altered.
Proviso.

SECT. 2. The said county commissioners are hereby authorized to enter upon and take so much of the land of the Commonwealth connected with the state prison as may be necessary for the carrying out of the purposes of this Act: provided, however, that the alignment of the road, in front of the state prison premises, shall be improved by running in a straight line from a point on the line of the land now or late belonging to one Foss, not less than eighty-two feet from the south-easterly corner of the new wing of the state prison; and thence running in a south-westerly direction, to such a point in the line of the state prison premises, on Austin Street, as shall carry the line of the highway at a distance of not less than twenty-eight feet from the said corner of the new wing of the state prison: that the land between said line and the state prison premises shall become the property of the Commonwealth for the purposes of the prison; and that the damages which may accrue in consequence of such straightening of the highway over and above the value of the prison lands, so taken, shall be borne by the Commonwealth. May take land.
Proviso.

SECT. 3. All persons injured in their property by said alteration, shall be entitled to remedies by like course of proceeding, and to the same extent as is now provided by law for the assessment of damages occasioned by the laying out, alteration, or discontinuance of highways. Injured parties may recover.

SECT. 4. The cities of Cambridge and Charlestown shall not be required to pay any greater sum toward the maintenance and repair of said highway and bridge, so altered as Repairs, etc.

aforesaid, than they now are required to pay toward the maintenance and repair of said highway and bridge.

SECT. 5. This Act shall take effect from and after its passage. (April 27, 1854.)

AN ACT relating to the Cambridge Cemetery.

Be it enacted, etc., as follows:

Commission-
ers to be
chosen.

Subject to
removal.

Vacancies,
how filled.

Organization
of board.

Terms of
office.

Duties of
board.

SECTION 1. The city council of Cambridge is hereby authorized to elect by joint ballot, in convention, a board of six commissioners, two members thereof to be elected each and every year, in the month of January, to hold office for the term of three years: the mayor of the City of Cambridge for the time being, to be chairman of the said board *ex officio*. Said board shall have the sole care, superintendence, and management of the Cambridge Cemetery established by said city council; but said board, or any member thereof, after having had an opportunity to be heard in his or their defence, may be removed at any time, by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in said board of commissioners, by death, resignation, removal, or otherwise, such vacancy shall be filled by the choice of another commissioner, in the manner aforesaid, who shall hold his office for the remainder of the term for which the member in whose place he shall be elected would have held the same. Said board may be organized by the choice of a secretary from their own number, and a majority of said board shall constitute a quorum for the transaction of business: and the term for which the several members of the first board of commissioners to be chosen shall hold their office shall be determined as follows: The first election to be made as soon as may be after the passage of this Act, and the commissioners so chosen to be divided by lot into three classes, the first class to remain in office until January, eighteen hundred and fifty-six, the second class to remain in office until January, eighteen hundred and fifty-seven, and the third class shall remain in office until January, eighteen hundred and fifty-eight; after which first election, two commissioners shall be elected during the month of January in every year, and to hold office for the term of three years.

SECT. 2. The said board of commissioners shall lay out said cemetery, or such parts thereof as are not already laid out, into such lots or subdivisions for burial places as they shall think proper; and the said commissioners shall set apart a portion of said cemetery for a public burial place for the use of the inhabitants of said city, free of charge there-

for. And it shall be the duty of said commissioners, from time to time, as appropriations shall be made by the city council therefor, to cause all necessary paths and avenues to be constructed therein, and to cause said cemetery to be planted and embellished with trees, shrubs, flowers, and other rural ornaments, as they shall think proper. And said board may make all necessary by-laws and regulations in the execution of their trust, not inconsistent with this Act and the laws of the Commonwealth, as they shall deem expedient. By-laws.

SECT. 3. Said board of commissioners shall have authority to sell to any person or persons the sole and exclusive right of burial, and of erecting tombs, cenotaphs, and monuments, in any of the designated lots or subdivisions of said cemetery, upon such terms and conditions as they shall by their rules and regulations prescribe; but all deeds or conveyances of any of such lots shall be made in the name of the city, and shall be executed in behalf of the city by the city clerk thereof for the time being, when requested to do so by the commissioners; and the proceeds of such sales shall in all cases be paid in to the city treasury. Deeds of conveyance, etc.

SECT. 4. The said board of commissioners shall, annually, in the month of January, and whenever required by the city council, make and render a report of all their acts, doings and proceedings, and of the condition of the cemetery, and an account of the receipts and expenditures for the same. Commissioners to make annual report.

SECT. 5. The mayor and aldermen of said city shall notify and warn the legal voters of said city to meet in their respective wards on such day as they shall direct, not exceeding thirty days from the passage of this Act, for the purpose of giving in their written votes upon the question whether they will accept the same; and if a majority of the votes given upon said question shall be in the negative, then this Act shall be null and void. Act void, unless, etc.

SECT. 6. This Act shall take effect from and after its passage. (March 13, 1855.)

Accepted April 2, 1855 (City Records, Vol. II, Page 336).

AN ACT to authorize the city of Cambridge and the town of Somerville to fill up Miller's Creek Bridge.

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge and the town of Somerville are hereby authorized to fill up and make solid so much of a bridge known as the Miller's Creek Bridge, over tide-water, at the westerly end of Bridge Street, between said Cambridge and Somerville, as the safety of the public travel May fill up bridge.

Proviso. may require; provided, however, that an aperture of at least fifteen feet be left for the ebbing and flowing of the tide.

SECT. 2. This Act shall take effect from and after its passage. (March 24, 1855.)

AN ACT to set off from the town of Watertown certain land, and annex the same to the city of Cambridge.

Be it enacted, etc., as follows:

Territory
annexed.

Boundaries.

SECTION 1. That part of the town of Watertown, in the county of Middlesex, containing thirty-one and fifty-three one-hundredths acres, bounded and described as follows, is set off from the town of Watertown and annexed to the city of Cambridge to wit: Beginning on the easterly line of Coolidge Avenue at the present boundary between Watertown and Cambridge; thence south-westerly along the easterly line of said Coolidge Avenue fifteen hundred and seventy-three feet to land late of William P. Winchester; thence south-easterly and southerly, and bounded by land late of said Winchester, fifteen hundred and seventy feet, more or less, to Charles River; thence north-easterly and bounded by said Charles River to the present dividing line between Watertown and Cambridge; thence northerly and westerly along said dividing line between Watertown and Cambridge to said Coolidge Avenue where the description commenced.

SECT. 2. This Act shall take effect on and after its passage. (April 27, 1855.)

AN ACT to incorporate the Union Railway Company.

Be it enacted, etc., as follows:

Corporators.

Purpose.

Powers and
duties.

Annual
returns.

May contract
with other
railroads.

SECTION 1. John C. Stiles, Moses M. Rice, and T. Russell Jencks, their associates and assigns, are hereby made a corporation, by the name of the Union Railway Company, for the purpose of leasing the Cambridge Railroad and any other connecting road, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; and they shall be deemed a railroad company so far as to be subject to make such annual returns to the legislature as are or may be prescribed by law, but not to the other general provisions of law relating to railroads.

SECT. 2. Said company are hereby authorized to contract with the Cambridge Company, or any railroad that may enter

upon or connect with said Cambridge Railroad, to do and perform all the transportation of persons and freight upon and over such railroads upon such terms and conditions as may be mutually agreed upon by the parties.

SECT. 3. The mayor and aldermen of the cities of Cambridge and Boston respectively, shall have power at all times to make all such regulations as to the rate of speed and manner of running the trains as the public convenience and safety may require.

Cities may purchase, etc.

SECT. 4. The capital stock of said corporation shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each; and no share of the capital stock shall be issued for a less sum, to be actually paid in on each, than the par of those first issued. Said company may hold such real and personal estate as may be necessary or convenient for the purposes aforesaid. (May 15, 1855.)

Capital stock.

No shares to be issued under par.

Real and personal estate.

AN ACT authorizing the city of Cambridge and the Hancock Free Bridge Corporation to make solid the bridge at the junction of Harvard Street in said city, with the causeway of said corporation.

Be it enacted, etc., as follows:—

The city of Cambridge and the Hancock Free Bridge Corporation are hereby authorized and empowered to fill up the creek or water course now crossed by the bridge at the junction of Harvard Street in said city, with the causeway of said corporation so as to make, instead of said bridge, a solid roadway for the accommodation of the travel upon said Harvard Street and said causeway. The south-westerly line of said roadway to be upon the south-westerly line of said bridge as it now stands, and the north-easterly line of the same to commence in the north-easterly line of said bridge at the easterly end thereof, and thence to run in a straight line to the north-easterly line of Harvard Street, at the point where said street enters upon said bridge. (May 15, 1855.)

Authorized to fill up water course and make solid roadway.

Boundaries.

AN ACT in addition to an Act concerning the Cambridge Railroad Company.

Be it enacted, etc., as follows:—

SECTION 1. The bonds authorized to be issued by the Cambridge Railroad Company may be made payable in twenty-five years from their date, and the sum to be paid into the sinking fund shall be equal to two per cent. per annum, to be paid semi-annually.

Bonds, when payable.

Sinking fund.

Tracks, how
to be laid.

SECT. 2. All the tracks of the Cambridge Railroad shall be laid at such distances from the sidewalk, in the cities of Cambridge and Boston, as the mayor and aldermen of said cities respectively, by their orders fixing the routes of said railroad, determine to be for the public safety and convenience.

SECT. 3. This Act shall take effect from and after its passage. (May 17, 1855.)

AN ACT to authorize Edmund T. Dana and others to construct dams and dikes in Cambridge.

Proprietors
may construct
dams or
dikes in
Cambridge.

SECTION 1. Edmund T. Dana, Martha R. Allston, Sarah A. Dana and Edmund T. Hastings, proprietors of marsh lands in that part of Cambridge called Cambridgeport, lying southerly of the main street or causeway, easterly of Brookline Street, and north-westerly of the Charles River, are hereby authorized to construct and maintain for themselves, their heirs and assigns forever, dams or dikes, extending from the point where the railroad of the Grand Junction Railroad and Depot Company strikes the upland denominated Pine Grove, to the said causeway, along the marshes and across the coves or creeks which intersect the same, so as to exclude from the marsh lands which lie between the said causeway, the said railroad, and the said upland, the tide-water of the said river; provided, however, that such dikes or dams shall not be at any point easterly of said railroad; and provided, also, that no part of said dikes or dams shall be built upon the five rods of land located over by the said railroad and depot company, without the consent of said company being first obtained; and provided, also, that proper sluiceways shall be made and maintained for the drainage of all the lands so enclosed, and that the main drains of the city of Cambridge, which do or shall intersect said marshes, shall be furnished with suitable sluiceways, under the direction of the mayor and aldermen of said city, and agreeably to the general laws of this Commonwealth concerning drains and sewers.

Proviso.

Proviso.

May take
lands
necessary.

SECT. 2. The said Edmund T. Dana, Martha R. Allston, Sarah A. Dana, and Edmund T. Hastings, may enter upon and take for the purposes aforesaid any lands and flats necessary therefor, and within the limits aforesaid, and not more than three rods in width.

Damages.

SECT. 3. The damages, if any, sustained by any person or persons, by reason of such taking and construction, shall be ascertained and settled in the manner provided by law for the ascertainment and settlement of damages in the laying out and construction of railroads.

SECT. 4. This Act shall be inoperative unless such dams or dikes be constructed within two years from the passage hereof. Act void, unless, etc.

SECT. 5. This Act shall take effect from and after its passage. (May 19, 1855.)

AN ACT to incorporate the Cambridgeport Railroad Company.

Be it enacted, etc., as follows : —

SECTION 1. Hiram Brooks, Josiah Burrage, Jr., James C. Fiske, their associates and successors, are hereby made a corporation by the name of the Cambridgeport Railroad Company, with all the powers, privileges, duties, liabilities, and restrictions, set forth in any and all statutes which have been or shall be passed relating to railroad corporations. Corporators.
Powers and duties.

SECT. 2. Said company may construct a railroad from some convenient point near the crossing of the railroad of the Grand Junction Railroad and Depot Company and the street in Cambridge called Broadway; thence south-easterly along Broadway to the causeway of the Hancock Free Bridge Corporation: thence along the lands lying northerly of said causeway to the easterly end of Mason's Wharf, so called; thence across said causeway; thence westerly along the lands lying southerly of said causeway to said railroad of the Grand Junction Railroad and Depot Company, uniting therewith, by proper means, at both extremities of the railroad hereby authorized. Location.

SECT. 3. The capital stock of this corporation shall consist of not more than two hundred and fifty shares, the number whereof shall be determined from time to time by the directors thereof; and no assessments shall be laid thereon of greater amount in the whole than one hundred dollars on each share. Capital Stock.

SECT. 4. Said corporation may take, purchase, and hold such real estate, and may purchase and hold such horses, cars, and other chattels, as may be necessary for the use of said railroad, and for the purposes of transportation; provided, however, that no lands on either side of said causeway shall be taken without the consent of the owners thereof, and that said railroad shall not be constructed across said causeway without the consent of the directors of the Hancock Free Bridge Corporation, and of the directors of the Cambridge Railroad Company; and the directors of said bridge corporation are hereby authorized to release to the company hereby established a right of way over any lands lying on either side of said causeway, and within the limits aforesaid, to which said bridge company has, or may be supposed to have, any claim. May hold real estate, etc.
Proviso

Operated by
horse-power
only.

SECT. 5. No other power shall be employed upon said railroad but horse-power; and, in other respects, its use along said Broadway and across said causeway, shall be under the control of the mayor and aldermen of Cambridge and the directors of the Hancock Free Bridge Corporation, respectively.

Location filed
in one year,
and to be
completed in
three years.

SECT. 6. If the location of said railroad be not filed according to law in one year, and if said railroad be not completed within three years from the passage of this Act, then no more land shall be taken as aforesaid, nor shall any further part of said railroad be constructed over land theretofore taken. (May 19, 1855.)

AN ACT in further addition to "An Act to establish the City of Cambridge."

Be it enacted, etc., as follows:—

Choice of
assessors and
assistants.

SECTION 1. The city council is hereby authorized to elect, by joint ballot in convention, three persons to be assessors, one from each ward, who shall hold their offices for the term of three years, and until their successors are chosen and qualified; and such number of assistant assessors as the city council may from time to time determine, who shall hold their offices for the term of one year.

Terms of
office, how
determined.

SECT. 2. At the first election under this Act, which shall be in January, in the year one thousand eight hundred and fifty-seven, three assessors shall be chosen, and the term of their office shall be determined by lot by the mayor and aldermen: one of the assessors so chosen, shall remain in office until January, one thousand eight hundred and fifty-eight; the second shall remain in office until January, one thousand eight hundred and fifty-nine; and the third shall remain in office until January, one thousand eight hundred and sixty; after which first election, one assessor shall be elected during the month of January in each year, who shall hold his office for the term of three years.

Vacancies,
how filled.

SECT. 3. Whenever a vacancy shall exist in the board of assessors or assistant-assessors, by neglect or refusal to serve, by death, resignation, or any other cause, the city council, shall, in like manner, fill the same as soon as may be after knowledge of the existence of such vacancy.

Vacancies in
board of
overseers, etc.,
how filled.

SECT. 4. The city council shall also, in the month of January, annually, in convention, fill all vacancies that may exist in the board of overseers of the poor or school committee, by reason of a failure to elect by the inhabitants at their annual meeting. The candidates for filling such vacancies shall be determined in the manner provided in the

constitution of the Commonwealth for filling vacancies in the State senate. All subsequent vacancies in either of said boards of officers, arising from a neglect or refusal to serve, by death, resignation, or any other cause, may be filled by the city council, in like manner, from the citizens at large.

SECT. 5. All Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed. Inconsistent Acts repealed.

SECT. 6. This Act shall be void, unless the inhabitants of the said city of Cambridge, at a legal meeting called for that purpose, shall, by a majority of the voters present and voting thereon by ballot, determine to adopt the same. (April 15, 1856.) Act void, unless accepted.

Rejected by the people June 11, 1856 (City Records, Vol. I, Page 111).

AN ACT altering the Boundary Line between the towns of Cambridge and Somerville, and annexing portions of each to the other.

Be it enacted, etc., as follows:—

SECTION 1. The dividing lines between the towns of Cambridge and Somerville shall hereafter be as follows: Beginning in Milk Row (so called), at a point being twenty feet and eight inches distant from the point on Milk Row, where the land of Anna Hunnewell is divided from the land of Benjamin Rand, and thence running in a north-easterly direction, along the boundary line of said estates, there measuring from Milk Row two hundred and twenty-two feet and four inches, then turning at a right angle and running north-westerly along the west side of a court until it strikes Cottage Street (so called), there measuring two hundred and ninety-six feet and six inches; then turning and running along the southerly side of said Cottage Street, in a direction north of west, until it reaches Elm Street (so called), there measuring three hundred and eight feet, until it intersects, on the westerly side of Elm Street, the line heretofore established between the said towns. Boundary line defined.

SECT. 2. All the territory and persons which are situated on the northerly side of the above-described line, are hereby set off from the said Somerville, and are annexed to said Cambridge; and all the territory and persons which are situated on the southerly side of the described line, are hereby set off from said Cambridge and annexed to said Somerville. Northerly side annexed to Cambridge.
Southerly side annexed to Somerville.

SECT. 3. All taxes heretofore assessed upon the said territories, and upon the persons resident thereon, shall be collected in the same manner as if this Act had not been passed. (April 30, 1856.) Taxes.

AN ACT concerning the Cambridge Water Works.

*Be it enacted, etc., as follows:—***May draw
water from
Fresh Pond.**

SECTION 1. The Cambridge Water Works are hereby authorized for the purpose of furnishing the inhabitants of Cambridge with a supply of soft water, to raise the waters of Fresh Pond by steam power, into a receiving reservoir, and conducting the same by pipes from thence through the city of Cambridge; provided, however, that they shall not, at any time, draw the waters of said pond, or of Spy and Little Ponds, below low-water mark of said ponds.

Proviso.**May construct
dams.**

SECT. 2. Said Cambridge Water Works may construct a dam at the outlet of Fresh Pond, and at some convenient place near the Concord Avenue, and also a dam on the outlets of Spy and Little Ponds, at some convenient place on the same near the place where said streams pass under the Lexington Branch Railroad; provided, however, that they shall not, at any time, raise the waters of Fresh, Spy, or Little Ponds by means of said dams, so that they shall rise above high-water mark of said ponds.

Proviso.**Commissioner
to be
appointed
upon
application,
etc.**

SECT. 3. A commissioner shall be nominated by the governor and council, on application of said Cambridge Water Works, or of any party in interest, who shall at the cost and expense of said water works, after notice to all parties in interest, ascertain the points between which the waters of said ponds and said brooks rise and fall, and shall erect permanent monuments showing the same, and shall make a full report of all his doings to the governor and council.

**May lay pipes,
build
aqueducts, etc.**

SECT. 4. The said Cambridge Water Works may lay pipes, build and maintain aqueducts and reservoirs for conducting, holding, and distributing water, may erect and maintain engine-houses, and may construct and maintain any other works necessary for the carrying on the purposes for which they are chartered.

**May take hold
and convey
lands, etc.****Proviso.**

SECT. 5. For the purposes aforesaid, the Cambridge Water Works may take, hold, and convey, land, water, and water rights; provided, however, that before entering upon the lands and water rights, or taking any water of any person or corporation, they shall file their petition before the supreme judicial court for the county of Suffolk, praying for the appointment of three commissioners to assess the damages, if any, caused by taking land, water, or water rights; and such commissioners shall have full power, after due notice to each party, to assess the damages if any, which shall be paid by said Cambridge Water Works, and their determination, or that of the major part of them, being returned into and accepted by said court, shall be final and binding upon

**Commission-
ers to assess
damages.**

both parties, and judgment shall be rendered thereon, unless one of the said parties shall claim a trial by jury as is herein-after provided.

SECT. 6. In case either party shall claim a jury trial, as provided in the last section, such party may, at the term at which such award is accepted, or the next term thereafter, claim, in writing, a trial at the bar of said court, and have a jury to hear and determine all questions of fact relating to such damages, and to assess the amount thereof; and in case a greater sum is not awarded than that allowed by said commissioners, such party shall pay the costs in the petition, and the verdict of such jury being accepted and recorded by said court, shall be final and conclusive, and judgment shall be rendered thereon.

Either party may claim trial by jury.

Costs.

Verdict to be final.

SECT. 7. Whenever judgment shall have been rendered for any damages assessed as before provided, the said Cambridge Water Works shall thereupon pay to the clerk of the court the amount of said judgment, with interest thereupon, together with the costs of court taxed by the clerk, which sum shall be in full satisfaction of said judgment; and until it is satisfied, as aforesaid, said Cambridge Water Works shall have no right to enter upon said land, water, or water rights.

Judgment to be satisfied before entering upon lands, etc.

SECT. 8. The said Cambridge Water Works shall keep open a good and sufficient way for the passage of the fish that usually go up into Fresh, Spy, and Little Ponds, in their usual and proper season in the year, between the first day of March and last day of June, inclusive; provided, such fishway need not be kept open in the spring of the year, before the persons having a right of fishing in said streams, or some one of them, shall have notified the water works to open them. And said water works if they do not comply with the provisions of this section, shall forfeit and pay the sum of five hundred dollars for each and every day during which they shall wilfully neglect to comply therewith, to be recovered in any action of tort, to the use of any person or persons who shall suffer therefrom, who shall sue for the same in any court of competent jurisdiction.

Fishway to be kept open.

Proviso.

Penalty.

SECT. 9. The occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement, and the owner thereof shall be also liable if, on being notified of such use, he does not object thereto: and if any person or persons shall use any of said water, raised as aforesaid in the city of Cambridge, without the consent of said water works, an action of tort may be maintained against him for the recovery of damages therefor.

Liability for water rent.

SECT. 10. If any person or persons shall wantonly or maliciously divert the water or any part thereof, of any of the ponds, streams, or water sources which shall be used by the Cambridge Water Works pursuant to the provisions of

Penalty for diverting water, etc.

this Act, or shall corrupt the same, or render it impure, or destroy or injure any dam, reservoir, pipe, hydrant, building, machinery, or other property held, owned, or used by said Cambridge Water Works, by the authority and for the purposes for which they are chartered, every such person or persons shall forfeit and pay to said water works three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action; and every such person or persons may, moreover, on indictment and conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding five hundred dollars, and imprisonment not exceeding three months; provided, that nothing in this section contained shall be construed to prevent the abutters on said pond from entering upon said pond during the winter season, for the purpose of cutting ice, with men and horses, and the proper implements for preparing and cutting the said ice, and securing the same in the manner heretofore practised.

Proviso.

Act not to
offend pending
suits.

SECT. 11. Nothing in this Act contained shall be construed to effect, in any manner, the rights of any party or parties to any suit or proceeding in law or equity now pending.

When and how
to take effect.

SECT. 12. This Act shall not take effect unless the legal voters of the city of Cambridge, at a meeting notified for that purpose, at least thirty days before the day appointed for such meeting, shall, by a majority of the votes cast at such meeting, agree to accept the same. (June 6, 1856.)

Accepted by the people November 4, 1856 (City Records, Vol. I, Page 196).

AN ACT in further addition to "An Act to establish the city of Cambridge."

Be it enacted, etc., as follows:—

Election of
assessors.

SECTION 1. The qualified voters of the city of Cambridge, at their annual meeting for the election of municipal officers first to be held after the passage of this Act, shall elect three persons to be assessors; and the person who receives the highest number of votes, or in case two or more persons receive an equal number of votes, the person who is senior by age, shall hold the office for three years, and until another is chosen and qualifies in his stead; and the person who receives the next highest number of votes, or is senior by age, in the contingency aforesaid, shall hold the office for two years, and until another is chosen and qualified in his stead; and the other person shall hold the office for one year, and until another is chosen and qualified in his stead; and at every subsequent election one person shall be chosen to be an assessor for three years and until another is chosen and qualified in his stead; and the persons thus chosen as-

sessors, shall constitute the board of assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors of towns. The qualified voters shall at the same time, and, in like manner, elect such number of assistant assessors as the city council may from time to time determine; and such assistant assessors shall hold their offices for the term of one year.

Assistant
assessors.

SECT. 2. The city council shall in the month of January, annually, in convention, and by joint ballot, fill all vacancies that may exist in the overseers of the poor, or in the assessors or assistant assessors, by reason of a failure to elect by the inhabitants at their annual meeting. The candidates for filling such vacancies shall be determined in the manner provided in the constitution of the Commonwealth for filling vacancies in the State senate. All vacancies in either of said boards of officers, arising from any other cause, may be filled by the city council in like manner, from the citizens at large.

City council to
fill certain
vacancies.

SECT. 3. The qualified voters of the city at the annual meeting shall choose ten persons for a school committee, three of whom shall be residents of ward numbered one, four of ward numbered two, and three of ward numbered three; but whenever the number of wards shall be increased to four, there shall be chosen two from each ward, and two at large; and whenever a greater number of wards shall be constituted, there shall be chosen two from each ward.

School
committee.

SECT. 4. In addition to the election of officers in the month of January, provided for in the Act, in addition to "An Act to establish the city of Cambridge," approved April fourteenth, one thousand eight hundred and fifty-three, the city council, shall in the month of January, annually, in convention and by joint ballot, elect all subordinate officers who are not chosen by the inhabitants, or appointed by the mayor and aldermen; and the doings of the city council in the election of such subordinate officers, for the years one thousand eight hundred and fifty-five, one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-seven, are hereby confirmed, and shall be as valid and effectual as if the elections had been made in accordance with the provisions of the Acts to which this Act is in addition.

City council to
elect
subordinate
officers, etc.

Doings
confirmed.

SECT. 5. Whenever it shall appear to the mayor and aldermen that there is a vacancy in any of the ward offices, it shall be their duty to issue their warrant in due form to fill all such vacancies, at such time and place as they may deem advisable; and the same proceedings shall be had, and adjournments, if necessary, as are prescribed for the election of such officers at the annual meeting.

Vacancy of
ward officers.

SECT. 6. In case of the absence of any ward officer at

Officers *pro tem*.

any meeting, such officer may be chosen *pro tempore*, and shall have all the powers and be subject to all the duties of the regular officer at such meeting.

Presiding officer.

SECT. 7. It shall be the duty of the warden to preside at all ward meetings, with the powers of moderators of town meetings. In case of his absence, the clerk, and in case of the absence of the clerk, any inspector shall preside according to seniority, until a warden shall be chosen as above provided.

Boundaries of wards to be revised.

SECT. 8. The boundaries of several wards, and the number of members of the common council which each shall be entitled to elect, shall continue the same as at present established until the month of October in the year one thousand eight hundred and fifty-seven, at which time and every fifth year thereafter, the city council shall revise the boundaries of the wards, and may increase the number thereof and apportion the members of the common council to the several wards, in accordance with the provisions of the Act to which this Act is in further addition; provided, however, that the whole number of wards in the city shall not exceed five.

Proviso.

Additional aldermen.

SECT. 9. Whenever the number of wards shall be increased as provided in the preceding section, the number of aldermen shall be increased proportionally, and the inhabitants shall be entitled to elect annually a number of aldermen equal to twice the number of wards in the city.

Inconsistent Acts repealed.

SECT. 10. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Act void, unless accepted, etc.

SECT. 11. This Act shall be void, unless the inhabitants of the city of Cambridge, at a legal meeting called for that purpose, shall, by a majority of the voters present and voting thereon by ballot, determine to adopt the same, within six months after its passage. (April 22, 1857.)

Adopted by the people May 1, 1857 (City Records, Vol. I, Page 323).

AN ACT authorizing the Hancock Free Bridge Corporation to surrender the West Boston and Canal Bridges to the city of Cambridge.

Be it enacted, etc., as follows:—

Hancock Free Bridge Corporation shall pay \$100,000 to city of Cambridge whenever, etc.

SECTION 1. Whenever the Hancock Free Bridge Corporation shall have received from tolls, under the authority of the Act of eighteen hundred and forty-six, chapter one hundred and forty-six, and the Acts in addition thereto, the sum of one hundred thousand dollars, over and above all the sums expended or to be expended by said corporation in rebuilding, repairing, and maintaining the two bridges over Charles River between Boston and Cambridge, and upon the roads leading to said bridges, and upon the road leading from

Cambridge to Watertown, or for other purposes under the authority of said Acts, or any of them, or of this Act, the said corporation is hereby authorized to transfer and pay over the said sum of one hundred thousand dollars to the city of Cambridge; provided, said city shall determine to accept this Act, and shall give the bond hereinafter prescribed. Proviso.

SECT. 2. The city of Cambridge is hereby authorized, upon the terms and conditions in this Act contained, to assume the exclusive ownership and control and charge of the bridges named in the first section of this Act. City to assume the control, etc.

SECT. 3. If the city of Cambridge shall determine to assume the ownership, control, and charge of said bridges, said city shall give its bond, executed by the mayor of said city in its name and behalf, to the Commonwealth, the form and substance thereof to be approved by the attorney-general, with condition that said city shall maintain said bridges as public avenues forever, and perform all the duties in relation to said bridges forever, that said Hancock Free Bridge Corporation is by law bound to perform while said bridges are held by said corporation. City shall give bond.

SECT. 4. Upon the giving of the bond prescribed in the preceding section, the said city is hereby authorized to receive from said Hancock Free Bridge Corporation the said sum of one hundred thousand dollars; and upon the payment of that sum to said city, by said corporation, the said sum and said bridges shall be deemed, and are hereby declared to be, the sole and absolute property of said city. City to receive \$100,000 upon giving bond.

SECT. 5. If said Hancock Free Bridge Corporation shall neglect, for the period of ten days after having obtained said sum of one hundred thousand dollars, as set forth in the first section of this Act, and after being notified that said bond has been given to the Commonwealth, to pay over to said city the said sum of one hundred thousand dollars, the said bond shall be returned to said city. Bond shall be returned upon city, if, etc.

SECT. 6. The bonds of the Cambridge Railroad Company, which the Hancock Free Bridge Corporation were, by Act of February twenty-first, eighteen hundred and fifty-five, section nine, required to receive in satisfaction of compensation or tolls, shall be transferred by said Hancock Free Bridge Corporation to said city of Cambridge, and received by said city as part of said sum of one hundred thousand dollars; said bonds to be taken, in estimating the value of the same, at their par value, with all interest that shall remain unpaid on the same, computed to the day of transfer. Transfer of bonds.

SECT. 7. After the city of Cambridge shall have assumed said bridges, said city shall be liable for damages that may be incurred by reason of any defect in said bridges, or either of them, in the same manner and to the same extent as towns and cities are now liable for defects in town ways. City liable, etc.

City council to
manage and
control fund.

SECT. 8. The management and control of said fund of one hundred thousand dollars shall be exercised by the city council of the city of Cambridge.

"Bridges,"
term defined.

SECT. 9. By the term "bridges," as used in the preceding sections of this Act, is intended the structures extending across said Charles River, between Boston and Cambridge, and so much of the ways leading to the same as lie between the eastern termini of the ways belonging to the city of Cambridge and the western termini of ways belonging to the city of Boston.

City to lay out
a highway.

SECT. 10. The city council of the city of Cambridge is hereby authorized to lay out as a public highway, so much of the turnpike road established by the Act of June twelfth, eighteen hundred and twenty-four, entitled "An Act to authorize the proprietors of West Boston Bridge to establish a turnpike road from Cambridge to Watertown," within the limits of said city, as crosses navigable waters; and the said city is hereby authorized and required to maintain the same, with the bridge and drawer thereof, in the same manner as other highways within said city.

Act void
unless
accepted by
Cambridge.

SECT. 11. This Act shall be of no effect unless the inhabitants of said city of Cambridge, qualified to vote in city affairs shall accept the same at meetings held in the various wards of said city, in the months of June or July, in the year eighteen hundred and fifty-seven, said meetings to be called by the mayor and aldermen, and warned at least seven days before the day when said meetings are to be held. And in case it shall be accepted, it shall be the duty of the mayor of Cambridge to notify the governor thereof, in writing immediately.

Watertown to
receive \$5,500.
Proviso.

SECT. 12. The Hancock Free Bridge Corporation, in consideration of the passage of this Act, is hereby authorized and required to pay, out of its funds accruing from tolls, to the town of Watertown, the sum of five thousand five hundred dollars; provided, the said town shall vote to accept the same at a legal town meeting to be held within thirty days after this Act shall have been accepted by the city of Cambridge; and upon the payment of said sum, or if said town shall refuse or neglect for the time aforesaid to vote to accept said sum, the Hancock Free Bridge Corporation shall be exempted from all obligation to maintain so much of the turnpike road established under the Act of June twelfth, eighteen hundred and twenty-four, entitled "An Act to authorize the proprietors of West Boston Bridge to establish a turnpike road from Cambridge to Watertown," as lies within the limits of Watertown, including the bridges and draws thereof; and said town is authorized to maintain so much of said bridges and the draws thereof, lying within the limits of said town, as cross navigable waters.

Corporation
exempted
from
maintaining.

SECT. 13. The Hancock Free Bridge Corporation, in consideration of the passage of this Act, is hereby authorized and required to pay, out of its funds accruing from tolls, to the town of Brighton, the sum of six thousand five hundred dollars, provided, the said town shall vote to accept the same, at a legal town meeting to be held within thirty days after this Act shall have been accepted by the city of Cambridge; and upon the payment of said sum, or if said town shall refuse or neglect for the time aforesaid to vote to accept said sum, the Hancock Free Bridge Corporation shall be exempted from all obligation to maintain so much of the turnpike road established under the Act of June twelfth, eighteen hundred and twenty-four, entitled "An Act to authorize the proprietors of West Boston Bridge to establish a turnpike road from Cambridge to Watertown," as lies within the limits of Brighton, including the bridges and draws thereof; and said town is authorized to maintain so much of said bridges and the draws thereof, lying within the limits of said town, as cross navigable waters. (May 30, 1857.)

Brighton to receive \$6,500.

Proviso.

Corporation exempted from maintaining.

Accepted by the people June 15, 1857 (City Records, Vol. I, Page 351).

AN ACT to authorize Edmund T. Dana and others to construct dams and dikes in Cambridge.

Be it enacted, etc., as follows:

SECTION 1. Edmund T. Dana, Martha R. Allston, Sarah A. Dana, and Edmund T. Hastings, proprietors of marsh lands in Cambridge, lying between the Main Street or causeway on the north, the south-eastern line of the location of the Grand Junction Railroad and Depot Company on the south-east, the upland denominated Pine Grove, on the south, and Brookline Street on the west, are hereby authorized to construct and maintain for themselves, their heirs and assigns, forever, dams or dikes extending from the said upland to the said causeway, along the marshes and across the coves or creeks which intersect the same, so as to exclude from said marshes the tide-waters of Charles River; provided, however, that no part of said dikes or dams shall be built upon said location without the consent of the said company by a vote of the directors thereof: and, provided, also, that proper sluiceways shall be made and forever maintained for the drainage of all the lands so inclosed, and that the main drains of the city of Cambridge which do or shall intersect said marshes, shall be furnished with suitable sluiceways, under the direction of the mayor and aldermen of said city, and agreeably to the laws of this Commonwealth concerning drains and sewers; and, provided, moreover, that this grant shall in no wise impair the legal rights of any person or corporation.

Owners of marsh-lands to construct dikes, etc.
Boundary, etc.

Proviso.

Proviso.

Proviso.

Act to be
inoperative,
unless, etc.

SECT. 2. This Act shall be inoperative unless such dams or dikes be constructed within two years from the passage thereof.

SECT. 3. This Act shall take effect from and after its passage. (March 27, 1858.)

AN ACT concerning drains and sewers in the City of Cambridge.

Be it enacted, etc., as follows :

City council to
make and
maintain all
necessary
drains and
sewers.

SECTION 1. The city council of the city of Cambridge may lay, make, and maintain in the said city all such main drains or common sewers, through the lands of any persons or corporations, as they shall adjudge to be necessary for the public convenience or the public health, and may repair all such main drains or common sewers, from time to time, whenever repairs thereof shall be necessary.

Manner of
proceeding in
the taking of
real estate.

SECT. 2. Whenever any lands or real estate shall be taken by virtue of this Act, the said city council shall proceed in the taking thereof in the same manner in all respects as they now are or hereafter may be required by law to proceed in taking land for public highways or streets; and all persons and corporations suffering damage in their property by reason of the laying, making, or maintaining of any main drain or common sewer, as aforesaid, shall have all the rights and remedies, for the ascertainment and the recovery of the amount of such damage, which are now or hereafter may be provided by law for the ascertainment and recovery of damages for lands taken in said city of Cambridge for public highways or streets.

SECT. 3. This Act shall take effect upon its passage. (March 31, 1859.)

AN ACT to authorize the city of Cambridge to fill up a portion of a creek in said city.

Be it enacted, etc., as follows :

Filling
authorized.

SECTION 1. The city of Cambridge is hereby authorized to fill and make solid that portion of the creek leading from broad canal to south canal, which lies within the limits of Broadway in said city; provided, that said city of Cambridge shall construct and forever maintain a good and sufficient culvert under said street, for the drainage of the lands lying between Broadway and Harvard Street.

Proviso.

SECT. 2. This Act shall take effect from and after its passage. (Approved Feb. 2, 1860.)

AN ACT in addition to an Act, entitled "An Act to authorize Edmund T. Dana and others to construct dams and dikes in Cambridge."

Be it enacted, etc., as follows:

The time within which Edmund T. Dana and others were authorized by chapter one hundred and forty-seven of the Acts of the year one thousand eight hundred and fifty-eight, to construct dams and dikes in Cambridge, is hereby extended one year. (Approved Feb. 24, 1860.)

AN ACT to regulate the transportation of gunpowder within and through the city of Cambridge.

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Cambridge are hereby authorized to make and establish by-laws and ordinances, from time to time, relative to the times and places at which gunpowder may be brought to or carried from said city, by land or by water; the times when and the manner in which the same may be transported through said city; to direct and regulate the kind of carriages, boats, and other vehicles, in which the same may be so brought to, carried from, and transported through said city; to direct and require all such precautions as may appear to them needful and salutary to guard against danger in the transportation thereof to, from, and through said city; and to annex to such by-laws and ordinances suitable penalties, not exceeding one hundred dollars, for any one breach thereof.

SECT. 2. It shall be the duty of the city council of said city to cause all such by-laws and ordinances, as they may make and establish, by virtue of the authority given by this Act, to be published in two or more newspapers printed in the county of Middlesex, two weeks successively, for the information and government of all persons concerned.

SECT. 3. This Act shall take effect from its passage, and all Acts and parts of Acts inconsistent herewith are hereby repealed. (Approved March 26, 1860.)

AN ACT to authorize the Cambridge Water Works to purchase the property and franchise of the Cambridgeport Aqueduct Company.

Be it enacted, etc., as follows:

Purchase and
transfer
authorized.

SECTION 1. The Cambridge Water Works are hereby authorized and empowered to purchase of the Cambridgeport Aqueduct Company all their corporate property, both real and personal, together with the franchise thereof, and the Cambridgeport Aqueduct Company are hereby authorized and empowered to sell and transfer all their corporate property, with the franchise thereof, to the said Cambridge Water Works; and when said property shall have been purchased and transferred as aforesaid, all the rights, powers, and privileges conferred upon the Cambridgeport Aqueduct Company by their act of incorporation, with all the duties, restrictions, and liabilities imposed by said Act, shall be vested in the Cambridge Water Works, as fully and as legally as they now are in the Cambridgeport Aqueduct Company.

SECT. 2. This Act shall take effect upon its passage.
(Approved Jan. 31, 1861.)

AN ACT in addition to an Act to authorize Edmund T. Dana and others to construct dams and dikes in Cambridge.

Be it enacted, etc., as follows:

Time for
construction
extended.

The time within which Edmund T. Dana and others were authorized by chapter one hundred and forty-seven, of the Acts of the year one thousand eight hundred and fifty-eight, to construct dams and dikes in Cambridge, is hereby extended to September, in the year one thousand eight hundred and sixty-two. (Approved March 28, 1861.)

AN ACT to establish the boundary line between the city of Cambridge and the towns of West Cambridge and Belmont.

Be it enacted, etc., as follows:

Cambridge
and Belmont,
dividing line
established.

SECTION 1. The dividing line between the city of Cambridge and the town of Belmont is hereby altered, and established as follows, to wit: Beginning at the outlet of Fresh Pond, in Alewife Brook, thence following said brook to a point therein, which point is distant from said outlet about four hundred and ninety feet in a straight line, run as the magnet needle now points, north, six degrees and

thirty minutes west; thence following the new channel of said brook, north, seven degrees and forty minutes east, one thousand seven hundred and nineteen feet: thence following said new channel, north, ten degrees and fifteen minutes east, five hundred and eighty-one feet; thence following said new channel, north, thirty-four degrees and seventeen minutes east, four hundred and seventy-eight feet; thence following said new channel, north, twenty-eight degrees and twenty-four minutes east, about three hundred and thirty-nine feet: to the easterly side of the Lexington and West Cambridge Branch Railroad; thence north-westerly about one hundred and thirty feet, to the junction of Little River with said Alewife Brook, at the present boundary line between West Cambridge and Belmont. That part of Cambridge which lies westerly and north-westerly of the above-described line, is hereby annexed and shall belong to the town of Belmont; and that part of Belmont which lies easterly and south-easterly of the above-described line is hereby annexed and shall belong to the city of Cambridge.

Annexation of
parts of each
to other.

SECT. 2. The dividing line between the city of Cambridge and town of West Cambridge, is hereby altered, and established as follows, to wit; beginning at a point in the new channel of Alewife Brook on the easterly side of the Lexington and West Cambridge Branch Railroad, which point is the north-easterly bound of the town of Belmont, as established by the preceding section; thence north, twenty-eight degrees and twenty-four minutes east, about one hundred and seventy-five feet to a point in the new channel of said brook; thence north, fifty-five degrees and forty-two minutes east, five hundred and ninety-eight feet to a point in said new channel; thence north forty-seven degrees and twenty minutes east, three hundred and sixty-nine feet to a point in said brook: thence north, seventy-one degrees and thirty-nine minutes east, three hundred and fifty-nine feet to a point in said brook: thence following said brook, south, eighty-two degrees and thirty-nine minutes east, four hundred and thirty-six feet to a point in said brook: thence following said new channel north, sixty-five degrees and forty-one minutes east, five hundred feet to the south-westerly line of North Avenue, thence following said brook in the most direct channel, to the point where the dividing line between Cambridge and Somerville intersects the boundary line between West Cambridge and Somerville. That part of Cambridge which lies north-westerly and northerly of the above-described line, is hereby annexed and shall belong to the town of West Cambridge; and that part of West Cambridge which lies south-easterly and southerly of the above-described line is hereby annexed and shall belong to the city of Cambridge.

Cambridge
and West
Cambridge,
line between,
established.

Annexation of
parts of each
to other.

Rights of
citizens and
control of
fisheries, Act
not to affect.

SECT. 3. Nothing contained in this Act shall affect the rights and privileges of the inhabitants of said city of Cambridge and said towns of Belmont and West Cambridge, in said Alewife Brook, and their regulation and control of the fisheries therein.

SECT. 4. This Act shall take effect upon its passage.
(Approved Feb. 25, 1862.)

AN ACT in relation to the rebuilding and future support of "Cambridge Great Bridge."

Be it enacted, etc., as follows:—

Cambridge
and Brighton
to rebuild.

Dimensions
and draws.

Expense.

Dividing line
of towns.

Maintenance
and repairs by
towns
defined.

Channel may
be deepened.

SECTION. 1. The city of Cambridge, and the inhabitants of the town of Brighton, are hereby authorized and required to rebuild the "Great Bridge" over Charles River, between the city of Cambridge and the town of Brighton, in a substantial and proper manner; the same to be made of the width of twenty-eight feet, with a draw in the centre thereof, at an equal distance from each abutment, of not less than thirty-two feet in width, and with the necessary and proper draw-piers, one above and one below said bridge. The expense incurred in such rebuilding of the bridge and piers shall be borne by said city of Cambridge and said town of Brighton in proportion to the respective valuations of said city and town; but all the additional expense incurred in deepening the channel below said bridge, so as to admit of placing the draw in the centre of said bridge, shall be borne equally by said city and town.

SECT. 2. The bridge, when it shall have been rebuilt as aforesaid, shall be divided by a line along the opening in the middle of said draw, at an equal distance from each abutment, and said line shall forever be the dividing line between Cambridge and Brighton at that point.

SECT. 3. So much of said bridge and draw as shall lie south-westerly of said dividing line, together with the most southerly pier, shall be forever supported, maintained, and repaired, and the south-westerly half of the draw shall be raised by, and at the expense of, said town of Brighton; and so much of said bridge and draw as shall lie north-easterly of said dividing line, together with the most northerly pier, shall be forever supported, maintained, and repaired, and the north-easterly half of the draw shall be raised by, and at the expense of said city of Cambridge.

SECT. 4. For the purpose of placing the draw of said bridge in the centre of the same, as above provided, said city and town are authorized and empowered to deepen the

channel in said river, so far as may be necessary for that purpose.

SECT. 5. All Acts or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed.

SECT. 6. This Act shall take effect upon its passage. Repeal.
(Approved March 11, 1862.)

AN ACT in addition to an Act altering the boundary line between the towns of Cambridge and Somerville, and annexing portions of each to the other.

Be it enacted, etc., as follows:—

SECTION. 1. All the territory and persons situated on the northerly and easterly side of the dividing line between the City of Cambridge and town of Somerville, described in the first section of chapter one hundred and thirty-seven, of the Acts of the year eighteen hundred and fifty-six, are hereby set off from said Cambridge, and are annexed to said Somerville; and all the territory and persons situated on the southerly and westerly side of said dividing line, are hereby set off from said Somerville and are annexed to said Cambridge. Boundary line defined.

SECT. 2. The second section of said chapter one hundred and thirty-seven of the Acts of the year eighteen hundred and fifty-six is hereby repealed. Repeal.

SECT. 3. This Act shall take effect upon its passage.
(Approved April 29, 1862.)

AN ACT concerning sidewalks in the city of Cambridge.

Be it enacted, etc., as follows:—

SECTION. 1. Whenever the mayor and aldermen of the city of Cambridge shall deem it expedient to construct sidewalks, or complete any partially constructed sidewalks in any street of said city, they are hereby authorized to construct or complete such sidewalks with edge stones, and in front of buildings, or occupied premises, to cover the same with brick or flat stones; and they are further authorized to cover such sidewalks, in front of vacant lots of land, with brick, flat stones, or plank supported by timber; and the expense of such edge stones and covering materials shall be assessed upon the abutters in just proportions, and shall constitute a lien upon the abutting lots of land, and be collected in the same manner as taxes on real estate now are; and such side- Mayor and aldermen may construct sidewalks.
Assessment upon abutters to be a lien.

Bricks or stone
walks to be
maintained by
city.

walks when constructed and covered with brick or flat stones, as aforesaid, shall afterwards be maintained at the expense of the city. Whenever any such sidewalk shall be covered with brick or flat stones, there shall be deducted from the assessment therefor any sum which shall have been previously paid the city by the abutter for any plank covering of the same. (Approved April 27, 1863.)

AN ACT for supplying the city of Cambridge with pure water.

Be it enacted, etc., as follows:—

City may
purchase
Cambridge
water-works
and
Cambridge-
port aqueduct.

SECTION 1. The city of Cambridge, for the purpose of supplying the inhabitants thereof with fresh water, is hereby authorized and empowered to purchase, upon such terms as may be agreed upon, all the works, franchises, rights, and property of the Cambridge Water Works, including the works, franchises, rights, and property of the Cambridgeport Aqueduct Company, acquired by said Cambridge Water Works under the provisions of chapter twelve of the Acts of the year eighteen hundred and sixty-one, and hold the same; and may enlarge, improve, and repair the water sources, aqueducts, pumps, reservoirs, and other property so purchased, with a view to an increased and adequate supply of pure water for public and private uses in said city, subject to the restrictions now imposed by law upon the Cambridge Water Works; and may also take and hold, in like manner, such land as may be necessary for erecting and maintaining dams and reservoirs, and for erecting and maintaining conduits, pipes, and other works for collecting, conducting, and distributing water from the sources of supply now used by said Cambridge Water Works through said city, or from the sources of supply which said Cambridge Water Works have the right to use. The Cambridge Water Works are hereby authorized and empowered to sell and transfer all their corporate property, rights, and franchise to the said city of Cambridge.

May improve
property for
supply of
water.

May acquire
land for
reservoirs,
pipes, etc.

Water-works
company may
transfer
property and
franchise.

Mayor of city
to file
description of
property
taken.

SECT. 2. The mayor of said city, within thirty days after the taking of any land or other property, under the provisions of this Act, shall file in the registry of deeds, for the county of Middlesex, a description thereof, sufficiently accurate for identification.

City may
build and
maintain
works, and
regulate use of
water.

SECT. 3. Said city, for the purposes aforesaid, may build aqueducts and maintain the same, by any works suitable therefor; may erect and maintain dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants as may, from time to time, be

deemed proper, and may change or discontinue the same; may regulate the use of the water, and establish the prices or rents to be paid therefor, and collect the same by process of law. Said city may also, for the purposes aforesaid, carry its pipes and drains over or under any water course, street, railroad, highway, or other way, in such manner as not to obstruct the same; and may enter upon and dig up such road, street, or way for the purpose of laying down, maintaining, or repairing pipes or drains, and may do any other acts or things necessary and proper in executing the purposes of this Act.

May cross over or under water course or highway.

SECT. 4. If said city enters upon and digs up, for the purposes aforesaid, any road, street, or way without its own limits, it shall do so under the direction of the selectmen of the town in which said road, street, or way is located, and shall restore said road, street, or way to as good order and condition as it was in before such digging was commenced; and the work shall be done in such manner, and with such care, as not to render any road, street, or way in which such pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall, at all times, indemnify and save harmless such town which is liable to keep in repair any road, street, or way aforesaid, against all damages which may be recovered against it, and shall reimburse to it all expenses which it shall reasonably incur by reason of any defect or want of repair in such road, street, or way, caused by the maintenance, repairing, or replacing of said pipes, or by reason of any injury to persons or property, caused by any defect or want of repair in such pipes; provided, that said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

Works outside city limits to be done with consent of selectmen.

Streets to be put in good condition.

City to be responsible for damages caused by defect in streets from maintenance of works.

Proviso.

SECT. 5. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of any land or property, or by the constructing of any aqueducts, reservoirs, or other works, for the purposes aforesaid. If any person or corporation, sustaining damages as aforesaid, cannot agree with said city upon the amount of said damages, he may have them assessed in the same manner as is provided for by law with respect to land taken for highways.

City liable for damages.

Disagreement, how may be adjusted.

SECT. 6. All the rights, powers, and authority given to the city of Cambridge by this Act, shall be exercised by said city subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, officers, and servants as the city council shall, from time to time, ordain, direct and appoint.

City council to direct, exercise of powers by officers.

SECT. 7. For the purpose of defraying the cost of such purchases, property, lands, water, and water rights as are purchased, taken, or held for the purposes aforesaid, and of constructing the works necessary and proper for the ac-

Council may issue scrip or bonds as "Cambridge Water Loan" for \$500,000, at six per cent. interest.

complishment of said purposes, and paying all expenses incident thereto, the city council shall have authority to issue scrip or bonds, to be denominated on the face thereof, "Cambridge Water Loan," to an amount not exceeding in the whole five hundred thousand dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually, and the principal to be payable at periods not more than fifty years from the issuing of such scrip or bonds, respectively.

May sell same at not less than par value.

Said city council may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. Said scrip or bonds may be paid at the par value thereof, for the purchase of the property mentioned in section one of this Act.

Water rents to pay interest, and one per cent. of loan.

SECT. 8. The city council shall establish such price or rents to be paid for the use of the water as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest and not less than one per centum of the principal of the "Cambridge Water Loan," and shall determine the manner of collecting the same. The net surplus income and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal and interest of said loan, until the same is fully paid. The mayor, city treasurer, and president of the common council, for the time being, shall be trustees of said fund, and shall, whenever required by the city council, render an account of all their doings in relation thereto.

Surplus to be sinking fund.

Trustees of fund.

Liability of occupant and owner of tenements.

SECT. 9. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable, if on being notified of such use, he does not object to the same.

Action for unauthorized use of water.

SECT. 10. If any person shall use any of the said water, either within or without said city, without the consent of the same, an action of tort may be maintained by said city for the recovery of the damages sustained.

Penalty for wanton injury to water-works.

SECT. 11. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this Act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, or machinery, or other works or property held, owned or used by said city under the authority and for the purposes of this Act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year, in the house of correction in said county of Middlesex.

SECT. 12. This Act shall take effect upon its passage.
(Approved April 25, 1865).

AN ACT in addition to an Act relating to the Cambridge Cemetery.

Be it enacted, etc., as follows:—

The fourth section of the forty-fourth chapter, of the Acts of the year eighteen hundred and fifty-five, is hereby amended by substituting December for January in the second line thereof. (Approved May 12, 1865.)

Amendment.

AN ACT to amend an Act to supply the city of Cambridge with pure water.

Be it enacted, etc., as follows:—

SECTION 1. The seventh section of chapter one hundred and fifty-three, of the Acts of the year eighteen hundred and sixty-five, is hereby amended as follows: The city council of the city of Cambridge shall have authority to sell the scrip or bonds specified in said section, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes named in said section, on such terms and conditions as the said city council shall judge proper.

City council may sell or pledge scrip or bonds for purposes in § 7 chap. 153, 1865.

SECT. 2. This Act shall take effect upon its passage.
(Approved March 21, 1866.)

AN ACT in relation to the election of school committee in the city of Cambridge.

Be it enacted, etc., as follows:—

SECTION 1. The qualified voters of the city of Cambridge at their annual meeting for the election of municipal officers, first to be held after the passage of this Act, shall elect a school committee consisting of three persons from each ward, one of whom from each ward shall hold office for the term of one year, one for the term of two years, and one for the term of three years.

Voters in wards shall elect three for one, two, and three years respectively.

SECT. 2. The ballots for said school committee shall designate the term of years during which each person voted for shall serve.

Ballots to declare terms.

Annually after
one, to be
chosen for
three years.

SECT. 3. After such election shall have been held, there shall be elected annually one person from each ward, to serve as a member of the school committee for the term of three years.

Act to be
accepted, else
void.

SECT. 4. This Act shall not take effect until accepted by the voters of said city, at a meeting duly held for said purpose. (Approved March 16, 1867.)

Accepted November 5, 1867 (City Records, Vol. M, Page 414).

AN ACT in addition to an Act to supply the city of Cambridge with pure water.

Be it enacted, etc., as follows:—

Cambridge
may issue
scrip or bonds
to extend
water works.

SECTION 1. For the purpose of extending and enlarging the Cambridge Water Works, the city council of the city of Cambridge shall have authority to issue scrip or bonds, in addition to the scrip or bonds, the issue of which was authorized by chapter one hundred and fifty-three, of the Acts of eighteen hundred and sixty-five, to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, and the principal to be payable at periods not more than fifty years from the issuing of said scrip or bonds; and said city council shall have authority to sell said scrip or bonds, or any part thereof, from time to time, or pledge the same for money borrowed for the extension of said water works, on such terms and conditions as the said city council shall judge proper.

Principal and
interest, when
to be paid.

SECT. 2. This Act shall take effect upon its passage. (Approved Feb. 17, 1868.)

AN ACT concerning the Cambridge and Brookline Bridge.

Be it enacted, etc., as follows:—

To be laid out
as a highway
upon
acceptance of
report of
commissioners

SECTION 1. The structure known as the Cambridge and Brookline Bridge, authorized by chapter two hundred and thirty-one, of the Acts of the year eighteen hundred and fifty, is hereby laid out as, and shall become a public highway upon the acceptance of the report of the commissioners appointed by the supreme judicial court, as provided in this Act, and judgment thereon; and no tolls shall be demanded or received for passing thereon on and after that date.

S. J. C. to
appoint three
commission-
ers.

SECT. 2. The supreme judicial court in term time, or any justice thereof in vacation, shall, upon the application of any person interested, and in either of the counties of Suffolk,

Norfolk, or Middlesex, and after notice to the town of Brookline, to the city of Cambridge, and to said counties, appoint a board of three commissioners. It shall be the duty of said commissioners, after having been sworn to the faithful and impartial performance thereof, and after such reasonable notice as they shall prescribe, and fully hearing the parties, to assess the amount to be paid as damages to any person or corporation, if any, by reason of the laying out of said highway.

Damages to be assessed.

SECT. 3. The damages adjudged to such persons or corporations in pursuance of this Act, and the expense of executing this Act shall be paid to the parties entitled thereto, by the said counties, or by such of them, or by such cities or towns therein, as the said commissioners shall determine, taking into view the uses made of said bridge and the condition thereof.

Damages to be paid to and by such parties as commissioners decide.

SECT. 4. The said commissioners are hereby further empowered to make such orders, directions, and provisions as to them shall seem expedient for the future maintenance and rebuilding of said bridge, and for operating the draw therein, and to order that the expense thereof shall be paid and borne by said counties, cities and towns, any or all of them, as to the said commissioners, shall deem expedient and just, taking in view the uses made of said bridge and the condition thereof.

Expense of maintenance to be apportioned among counties, cities, and towns.

SECT. 5. The said commissioners shall make report in writing to the supreme judicial court within and for the county in which their appointment is made, of their doings and adjudications hereunder, and upon the same being accepted by said court, shall be final and binding upon all parties. Upon the acceptance of their report, they shall file copies thereof with the clerks of the county commissioners for the said counties, including the city clerk of the city of Boston, whose duty it shall be to record the same as a final adjudication under this Act, and thereupon the same shall stand, be acted upon and carried into effect in like manner as an adjudication of the respective county commissioners; provided, however, that as regards the amount of damages awarded to any person or corporation, he or they shall have a right of appeal to a jury in the same manner as is provided by law in the laying out of highways, except that the right shall be claimed in the supreme judicial court, and the recognizance for costs shall be taken in said court, and the warrant for the jury shall issue from said court, and the report and the verdict shall be returned therein; and said right of appeal to a jury shall be claimed within thirty days from the return of said award and report of said commissioners; and all matters and things provided in this Act, to be done by or in the supreme judicial court, may be done by any justice of said

Commissioners to report to S. J. C.

Right of appeal to a jury upon question of damages.

Damages and costs upon appeal, how paid.

court or his order, as well in vacation as in term time. The damages and costs upon such appeal, and also the expense of executing this Act (to be taxed by said commissioners, subject to the approval of said court), shall be paid by the same counties, cities, and towns, and in the same proportion as was prescribed by the commissioners, in pursuance of section three of this Act.

SECT. 6. This Act shall take effect upon its passage. (Approved April 13, 1869.)

AN ACT to provide for the widening of the draws in certain bridges on Charles and Miller's Rivers by the cities of Cambridge and Charlestown.

Be it enacted, etc., as follows: —

Draw bridges over Charles and Miller's rivers to be widened by Cambridge and Charlestown.

SECTION 1. The city of Cambridge is hereby authorized and required forthwith to cause to be made, at the expense of said city, in lieu of the existing draws in the West Boston bridge and the Canal or Craigie Bridge over Charles River, and the Prison Point bridge over Miller's River, a draw in each of said bridges, with a clear passageway of forty-four feet in width, in such position and of such form and construction, and with such changes in the draw piers and bridges connected with said draws, as may become necessary or advisable in removing old and in building and maintaining new draws, as the harbor commissioners may determine; and all duties and liabilities now imposed by law upon said city of Cambridge, with respect to existing draws in said bridges, shall be held to apply to such newly constructed draws.

Charlestown to contribute towards cost of draw in Prison Point Bridge.

SECT. 2. The city of Charlestown shall contribute to the cost of building and maintaining the draw in Prison Point bridge in such proportion as they are now required by law to contribute toward the repair of the present draw.

SECT. 3. This Act shall take effect upon its passage. (Approved May 26, 1869.)

AN Act in further addition to an Act to establish the city of Cambridge.

Be it enacted, etc., as follows: —

Mayor to be chairman of school committee and overseers of poor.

SECTION 1. The mayor of the city of Cambridge shall be *ex-officio* chairman of the school committee, and of the board of the overseers of the poor. but shall have a casting vote only.

SECT. 2. Every ordinance, order, resolution, or vote, to which the concurrence of the board of aldermen and of the common council may be necessary (except on a question of convention of the two branches), and every order of either branch involving the expenditure of money, shall be presented to the mayor. If he approve thereof he shall signify his approbation by signing the same; but if not, he shall return the same, with his objections, to the branch in which it originated, which shall enter the objections of the mayor at length on its records, and proceed to reconsider said ordinance, order, resolution, or vote; and if, after such reconsideration, two thirds of the board of aldermen or common council, notwithstanding such objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the city council (if it originally required concurrent action), where it shall also be reconsidered, and if approved by two thirds of the members present, it shall be in force; but, in all cases, the vote shall be determined by yeas and nays, and if such ordinance, order, resolution, or vote shall not be returned within ten days after it shall have been presented, the same shall be in force. But the veto power of the mayor shall not extend to the election of officers required by any law or ordinance to be chosen by the city council in convention, or by concurrent action, unless expressly so provided therein.

Ordinance, etc., if not approved, to be returned with his objections.

Objections to be recorded.

Veto power not to extend to election of officers.

SECT. 3. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Acts repealed.

SECT. 4. This Act shall be void unless the inhabitants of the city of Cambridge, at a legal meeting called for that purpose, shall, by a majority of the voters present and voting thereon by ballot, determine to adopt the same within six months after its passage. (Approved May 28, 1869.)

To be void, unless adopted by city.

Accepted November 2, 1869 (City Records, Vol. N, Page 341).

AN ACT for the abatement of nuisance in the city of Cambridge and for the preservation of the public health in said city.

Be it enacted, etc., as follows :—

SECTION 1. The mayor and aldermen of the city of Cambridge may order the owners of the land in said city, or any of them, situated and lying within the district which is bounded on the northeast by Broadway, on the south by Main Street, and on the west by Moore and Gilpin Streets, to raise the grade of said land, filling up the same with good material to a grade not less than twelve feet above mean low water, with reference to a complete drainage thereof, and to the abatement of the present nuisance and to preserve the health of the city.

Owners of certain lands in Cambridge may be ordered to raise grades.

Order to be made in writing and served upon owners.

SECT. 2. Such order shall be made in writing and served upon said owners or their authorized agents in the manner prescribed in section nine of chapter twenty-six of the General Statutes for the service of orders made by boards of health for the abatement of nuisances.

If owner fails to comply, mayor and aldermen may raise the grade and expense to be lien upon land, and amount collected like taxes.

SECT. 3. If the owner of any such land fails to comply with such order within three months after the service of said notice, the mayor and aldermen of said city may raise the grade thereof, filling up the same with good materials to a height not more than twelve feet above mean low water, and all necessary expenses incurred thereby shall constitute a lien upon said land, and may be collected in the manner now provided for the collection of taxes upon real estate; and at any sale of said lands taken for non-payment of said expenses the city collector shall have the same right to purchase said land in behalf of the city of Cambridge as the city collector now has by law in the case of land sold for taxes.

Person dissatisfied with assessment may apply to county commissioners within six months.

SECT. 4. Any person entitled to any estate in any part of the land, the grade of which shall be so raised by the said mayor and aldermen, who shall be dissatisfied with the assessment of the expense of raising the grade of his land, may, within six months after receiving notice of said assessment, make a complaint to the county commissioners in the county of Middlesex. Said commissioners shall thereupon order a jury, who shall have power to revise said assessment in the same manner as is provided in chapter forty-three of the General Statutes in cases where persons are aggrieved by the assessment of damages by selectmen. If the assessment is reduced the charges arising on said complaint shall be paid by the city of Cambridge, otherwise the same shall be paid by the complainant.

Commissioners to order jury.

Costs.

Persons dissatisfied may notify city thereof within sixty days.

SECT. 5. Instead of making a complaint to the county commissioners, as provided in the preceding section, any person dissatisfied with the assessment of the expense of raising the grade of his land, may give notice thereof to said mayor and aldermen within sixty days after he shall receive notice of said assessment, and the city of Cambridge shall thereupon take said land, and shall, within sixty days thereafter, file in the office of the registry of deeds for the southern district of the county of Middlesex a description of the land so taken as certain as is required in a common conveyance of lands, together with a statement that the same is taken pursuant to the provisions of this Act, which said description and statement shall be signed by the mayor, and the title to lands so taken shall vest in the city of Cambridge; and if any party whose land is so taken shall agree with the said city upon the damage done to him by the said taking, making due allowance for the improvement by raising the grade of said land, the same shall be paid to him by the said city forthwith.

City to take property and pay damages to owner forthwith, if parties agree.

If any party shall not agree with the city as to the damage done him by such taking, he may, within six months of the filing of such description and statement, apply to the county commissioners, as above provided, for a jury to determine the damage so done him, making due allowance for the improvement by raising the grade of said land, and the proceedings shall be according to the provisions of said chapter forty-three of the General Statutes, in cases where persons are aggrieved by the assessment of damages by selectmen. The damages awarded by the jury shall be paid by the city, and if the damages are increased above the sum before offered by the city, all charges shall be paid by the city; otherwise the charges arising on such application shall be paid by the applicant.

If parties do not agree owner may apply to commissioners for jury.

Costs.

SECT. 6. Nothing in this Act shall be construed as exempting the city of Cambridge from any obligation, it would otherwise be under, to make compensation to the owners of lands abutting on or near to the territory described in the first section of this Act, for any injury done by order of the mayor and aldermen of said city to such lands in any Acts of raising, filling, or draining, said territory or any part thereof.

City not exempted from damages to land without territory described in this Act.

SECT. 7. All grading done under this Act shall be done within five years of the passage hereof.

Grading to be done within five years.

SECT. 8. This Act shall take effect upon its passage. (June 12, 1869.)

AN ACT to amend the charter of the City of Cambridge.

Be it enacted, etc., as follows : —

SECTION 1. The city treasurer of the City of Cambridge shall be the collector of taxes within and for said city.

Treasurer to be collector of taxes.

SECT. 2. All Acts and parts of Acts establishing the office of collector of taxes, and providing for the election of such officer in the city of Cambridge, are hereby repealed.

SECT. 3. This Act shall take effect from its passage. (May 9, 1870.)

AN ACT in relation to Prison Point Bridge.

Be it enacted, etc., as follows : —

SECTION 1. The cities of Cambridge and Charlestown shall forthwith cause to be made in lieu of the existing draw in the Prison Point Bridge, over Miller's River, a draw with a clear opening of thirty-eight feet in width.

Draw to be made thirty-eight feet in width.

Commissioner
to have charge
of draw.

SECT. 2. For the purpose of constructing said draw, the city councils of said cities shall each in pursuance of such ordinances as they may respectively establish, elect one commissioner, and said commissioners so chosen shall have the care and management of said draw.

Expense of
maintaining,
etc., to be
borne by both
cities.

SECT. 3. The expense of constructing and maintaining said draw and keeping the same in repair, and of affording all necessary and proper accommodations to vessels having occasion to pass the same by day or night, shall be borne equally by said cities; and said cities shall be jointly liable for all damages or injuries resulting from any defect in said draw or from carelessness or neglect in the management of the same.

SECT. 4. This Act shall take effect upon its passage. (June 1, 1870.)

AN ACT relating to West Boston and Cragie Bridges.

Be it enacted, etc., as follows :—

Harbor
commissioner
to determine
position of
draws in West
Boston and
Cragie
Bridges.

Three
commissioners
to be
appointed by
S. J. C. upon
petition of
mayor of
Cambridge.

To be sworn
and apportion
and assess
upon Boston
and
Cambridge
expense of
maintaining,
etc.

SECTION 1. The harbor commissioners shall forthwith locate and determine the position of the draws in the West Boston Bridge and Cragie or Canal Bridge, over Charles River, to be constructed as hereinafter provided.

SECT. 2. The supreme judicial court, sitting as a full court in any county, at any time after the passage of this Act, shall, upon the petition of the mayor of the city of Cambridge, after such notice as the court or any justice thereof may order, appoint three discreet and competent commissioners for the purposes hereinafter named.

SECT. 3. Said commissioners shall be sworn to the faithful and impartial discharge of their duties, and shall then, after due notice and hearing in such manner and amount as they shall deem just and equitable, apportion and assess upon the cities of Boston and Cambridge the expense of maintaining and keeping in repair said bridges, including the expense of opening the draws thereof, and affording all necessary and proper accommodations to vessels having occasion to pass the same by day or night, and shall also at the same time appraise the fund, as it now exists, paid to the city of Cambridge under chapter two hundred and fifty-seven, of the Acts of the year eighteen hundred and fifty-seven, and also all funds, moneys, and properties belonging to said bridges, and apportion to the city of Boston the same proportion thereof as Boston shall, under and by virtue of this Act, have apportioned or assessed upon it of the expense of maintaining and keeping in repair said bridges.

SECT. 4. Said commissioners shall return their award into

the supreme judicial court, sitting for the county of Suffolk; and when said award shall have been accepted by said court, the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding upon all parties; and said court may enforce the same by proper process; and the expense of executing this Act shall be paid by said cities in the same proportions as the expense of maintaining said bridges is apportioned and assessed upon said cities.

To return
award to
S. J. C.

SECT. 5. Upon the acceptance of said award by the court as aforesaid, the city of Cambridge shall pay and deliver to the city of Boston the proportion of said fund, funds, moneys, and properties apportioned to Boston under said award, and the said bridges shall become and be highways; and thereafter said bridges and draws shall be maintained, supported, managed, and kept in repair by the cities of Boston and Cambridge, according to the terms and proportions established by said award; and all damages recovered in any action at law by reason of any defect or want of repair in either of said bridges or the draws thereof shall be paid by said cities on the same terms and in the same proportions.

Upon
acceptance of
award,
Cambridge to
pay to Boston
sum
apportioned.

SECT. 6. The care and management of said bridges and draws shall be vested in a board of commissioners consisting of one person from each city, chosen in accordance with such ordinances as said cities shall respectively establish, and until such commissioners are chosen, the mayors of said cities shall *ex-officio* constitute such commissioners.

Commission-
ers, one from
each city, to
have care of
draws and
bridges.

SECT. 7. The commissioners designated in the preceding section shall cause to be made in lieu of the existing draws in said bridges a draw in each bridge with a clear opening of thirty-eight feet in width in the position determined under section one of this Act.

To cause
draws to be
made thirty-
eight feet in
width.

SECT. 8. Nothing in this Act shall release the Cambridge Railway Company, or the Union Railway Company, from any legal obligation either of said companies is now under to the cities of Cambridge and Boston, or either of them, or any legal obligation now existing to maintain and keep in repair any portion of said bridges, or from any liability for any loss or injury that any person may sustain by reason of any carelessness, neglect, fault, or misconduct of its agents, or servants, in the construction, repair, management or use of its tracks on said bridges, or other use or occupation thereof.

Railway
companies not
released from
obligation to
keep bridge in
repair.

SECT. 9. Chapter three hundred and eleven of the Acts of the year eighteen hundred and sixty-nine, and all other provisions of law inconsistent herewith, are hereby repealed.

Repeal.

SECT. 10. This Act shall not take full effect unless accepted by the city council of Cambridge, by concurrent vote of the two branches thereof, within thirty days from its passage. It shall be the duty of the city clerk of the city of

Act to take
effect when
accepted by
city council of
Cambridge.

Cambridge to certify to the secretary of the Commonwealth the result of the vote of the city council of said city as soon as may be, and if it shall appear that a majority of the votes of both branches of the city council is in favor of the acceptance of this Act, said secretary shall immediately issue and publish his certificate declaring this Act to have been duly accepted.

— and upon publication of certificate by secretary of commonwealth.

SECT. 11. So much of this Act as authorizes and directs the submission of the question of acceptance to the city council of Cambridge shall take effect upon its passage. If this Act is accepted, as herein provided, it shall take full effect upon the publication of the certificate of the secretary, as herein provided. (June 1, 1870.)

Accepted June 9, 1870 (City Records, Vol. N, Page 548).

AN ACT in addition to an Act concerning the draws in bridges across Charles and Miller's River at the north side of the city of Boston.

Be it enacted, etc., as follows:—

Draws to be thirty-six feet wide.

SECTION 1. Section one of chapter three hundred, section one of chapter three hundred and one, section seven of chapter three hundred and two, and section five of chapter three hundred and three of the Acts of the current year, are hereby severally amended by striking out the words "thirty-eight feet" wherever the same occur, and inserting instead thereof the words "thirty-six feet."

SECT. 2. This Act shall take effect upon its passage. (June 23, 1870.)

AN ACT in addition to an Act relating to West Boston and Cragie Bridges.

Be it enacted, etc., as follows:—

Shoal to be dredged opposite draw-way of West Boston Bridge.

SECTION 1. The commissioners designated in the sixth section of chapter three hundred and two of the Acts, of the year eighteen hundred and seventy, are hereby authorized, for the purpose of preparing the location of a new draw in the West Boston Bridge, to cause to be dredged away a shoal opposite the south-westerly opening of the present draw-way in said bridge, to such an extent as the harbor commissioners shall prescribe, the expense of which dredging shall be borne in the same manner as the expense of constructing said new draw; and the cities of Boston and Cambridge shall maintain the depth of water secured by such dredging, in the same manner and according to the same terms and proportions as

Boston and Cambridge to maintain depth of water obtained by such dredging.

they are required by said Act to maintain, support, manage, and keep in repair the bridges and draws therein mentioned.

SECT. 2. This Act shall take effect upon its passage. (May 5, 1871.)

AN ACT in addition to an Act to supply the city of Cambridge with pure water.

Be it enacted, etc., as follows:—

SECTION. 1. To enlarge and extend the water works of the city of Cambridge, the city council of said city may issue scrip or bonds in addition to the scrip or bonds authorized by chapter thirteen, of the Acts of the year eighteen hundred and sixty-eight, to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be payable at periods not more than fifty years from the issuing of such scrip or bonds; and said city council may sell such scrip or bonds, or any part thereof, from time to time, or pledge the same for money borrowed for the extension of said water works on such terms and conditions as it may deem proper.

Cambridge may issue additional water bonds at six per cent. interest.

SECT. 2. This Act shall take effect upon its passage. (March 28, 1872.)

AN ACT to provide for the prevention and abatement of nuisances and the preservation of the public health, in the cities of Cambridge and Somerville.

Be it enacted, etc., as follows:—

SECTION 1. The respective boards of mayor and aldermen of the cities of Cambridge and Somerville may, with reference to a complete drainage, establish a grade in their respective cities, not less than thirteen feet above mean low water; and no person shall in the city where such grade is established, construct any cellar or basement cellar of any dwelling-house or any other building below such grade, or use or occupy any such cellar constructed below the same after such establishment, unless licensed to construct and use a cellar below such grade by the board of mayor and aldermen of the city in which the same is situated.

Grade of not less than thirteen feet above mean low water may be established

Cellars, etc., not to be below grade.

SECT. 2. If any person constructs, uses, or occupies any cellar in violation of section one of this Act, the board of mayor and aldermen of the place where the same is situated,

Penalty for violation.

may order the owner or occupant of such cellar to so alter and construct it as to conform to the requirements of said section; and if such owner or occupant fails to comply with such order within ten days after service thereof, as provided by the following section, said board may so alter such cellar, and all necessary expenses incurred thereby shall constitute a lien upon the land wherein such cellar is constructed, and the buildings upon such land, and may be collected, and the city collector may purchase such land, or land and buildings, in behalf of said city; all as is provided by law for the collection of taxes upon real estate, and in case of land sold for taxes.

Orders to be made in writing.

S. J. C. may restrain by injunction, etc.

SECT. 3. All orders under the preceding section shall be made in writing and served upon said owners or occupants, or their authorized agents, as prescribed by section nine, of chapter twenty-six of the general statutes for the service of orders of boards of health; and the supreme judicial court or any justice thereof, in term time or vacation, may by injunction or other suitable process in equity, restrain any person or corporation from constructing, using or occupying any cellar in violation of the provisions of section one of this Act, and may enforce such provisions, and may order and enforce the abatement or alteration of any cellar constructed, used, or occupied in violation thereof, so as to comply with said provisions.

Owners may be ordered to fill up lands to grade of not less than thirteen feet, and of private ways thereon to sixteen feet.

SECT. 4. The boards of mayor and aldermen of said cities, respectively, may, from time to time, order the owners of lands in their city, the surface of which is below thirteen feet above mean low water, or any of such owners, to raise the grade of their said lands, filling up the same with good materials to a grade not less than thirteen feet above mean low water, and to raise the grade of all private streets, courts, and ways upon their said lands, filling up the same with good materials to a grade not less than sixteen feet above mean low water, with reference to a complete drainage thereof, so as to abate and prevent nuisances, and to preserve the public health of the city.

If owner fails to comply, city may raise grade.

SECT. 5. All orders under the preceding section shall be made and served as prescribed in section three of this Act, and if the owner of any such lands fails to comply with any such order within six months after such service thereof, the board of mayor and aldermen of the city, wherein the same is situated, may raise the grade of his said lands, and the private streets, ways, and courts thereon, filling up the same with good materials to the grade authorized by the preceding section and specified in the order; and all necessary expenses incurred thereby shall constitute a lien upon the lands filled, and a lien equally upon the lands abutting upon either side of any private street, court, or way, filled, and a lien upon all

Expenses to constitute a lien upon the land.

buildings upon such lands, and may be collected, and the city collector may purchase such lands, or lands and buildings, in behalf of the city; all as is provided in section two of this Act for collecting the expenses therein named.

SECT. 6. Any person entitled to any estate in any land, the grade of which shall be raised under the preceding section, who is dissatisfied with the assessment of the expense of raising the grade of his land, and any owner of land who is dissatisfied with the assessment of expenses under section two of this Act, may, within six months after receiving notice of such assessment, make complaint to the county commissioners of the county of Middlesex. Said commissioners shall thereupon order a jury who may revise such assessment, in the manner prescribed in chapter forty-three of the general statutes, in cases where persons are aggrieved by the assessment of damages by selectmen. If the assessment is reduced, the legal charges arising on such complaint shall be paid by the city, otherwise by the complainant.

Parties dissatisfied with assessment may make complaint to county commissioners.

SECT. 7. Instead of making such complaint, any person dissatisfied with the assessment of the expense of raising the grade of his said land, may give notice thereof to the mayor and aldermen of the city wherein the land is situated, within sixty days after he receives notice of such assessment, and the city shall thereupon take said land, and shall within sixty days thereafter file in the office of the registry of deeds for the southern district of the county of Middlesex, a description of the land so taken, as certain as is required in a common conveyance of land, together with a statement that the same is taken pursuant to the provisions of this Act, which description and statement shall be signed by the mayor of the city, and the title to lands so taken shall vest absolutely in the city.

City to take land if notified that parties are dissatisfied with assessment.

SECT. 8. If any person whose land is taken under the preceding section, agrees with the city upon the damage done to him by such taking, making due allowance for the improvement in raising the grade of such land, the same shall be forthwith paid to him by the city. If any such person shall not so agree, he may any time within six months from the filing of such description and statement, apply to the county commissioners, as provided in section six of this Act, for a jury to determine the damage so done him, making due allowance for the improvement by raising the grade of such land, and the proceedings shall be as provided in said section. The damages awarded by the jury shall be paid by the city, and if the damages are increased above the sum before offered by the city, all legal charges arising on such application shall be paid by the city, otherwise by the applicant.

If amount of damage is agreed upon, money to be paid forthwith.

SECT. 9. The city shall raise the grade of all public

Public ways bordering upon lands raised, to be filled to sixteen feet grade.

streets bordering upon any lands, the grade of which is ordered to be raised under this Act, filling up such streets with good materials, to a grade not less than sixteen feet above mean low water.

Filling of flats not authorized.

SECT. 10. Nothing in this Act contained shall be construed as authorizing any filling of the flats upon the banks of Charles River, nor to authorize the filling of any portion of the channel, flats, or basins of Miller's River, lying southerly of Milk Street, and of the Fitchburg Railroad Company's roadbed, or either of them, in Somerville, and below the streets known as Medford Street in Somerville, and Gore Street in Cambridge.

Cities not exempted from certain obligations.

SECT. 11. This Act shall not be construed as in any way exempting the cities of Cambridge and Somerville from any obligation either of them would otherwise be under to make compensation to the owners of lands abutting upon or near to any land or street filled hereunder, or for any injury done or caused to the lands of such owners under any order or proceeding hereunder. (May 3, 1872.)

AN ACT for the abatement of a nuisance in the Lower Basin of Miller's River, and for the preservation of health in the cities of Cambridge and Somerville.

Be it enacted, etc., as follows:—

Board of commissioners established.

SECTION 1. The harbor commissioners and the state board of health shall jointly constitute a board of commissioners for the purposes hereinafter named.

To devise a plan for drainage.

SECT. 2. The said commissioners shall, after due notice to and hearing of all parties interested, devise and report to the mayor and aldermen of the cities of Cambridge and Somerville respectively, a plan for draining and abating a nuisance existing in and upon the district lying within the limits of the said cities, which is bounded north-easterly by the Boston and Lowell Railroad in Cambridge and Somerville, north-westerly by the Fitchburg Railroad in Somerville, northerly by Milk Street in Somerville, westerly by Prospect Street in Somerville, south-westerly by Webster Avenue in Somerville, southerly by the boundary line between Cambridge and Somerville, and by Gore Street in Cambridge, easterly by Fifth Street in Cambridge, southerly by Winter Street in Cambridge, and easterly in Cambridge, by Fourth Street and the line of Fourth Street extended to the Boston and Lowell Railroad, which plan shall provide, if practicable, for the preservation and improvement of so much of the channel and basins of Miller's River as is now flowed by the

tide below the point where the Grand Junction Railroad in Somerville crosses such river and basin.

SECT. 3. Said commissioners shall, from time to time, and during the pendency of their report, devise and recommend to the mayor and aldermen of said cities, respectively, or to the boards of health thereof, such immediate or temporary measures for the abatement of said nuisance and the preservation of the health of the inhabitants as they shall deem expedient.

To devise temporary measures for abatement of nuisance.

SECT. 4. Said commissioners in the discharge of their duties shall have power to cause to be made proper surveys of said district and estimates for carrying out the permanent and temporary measures by them recommended, the expenses of making said surveys and estimates to be paid by the two cities as the commissioners shall determine.

May cause surveys to be made.

SECT. 5. The cities of Cambridge and Somerville, respectively, may carry out the provisions of this Act and the measures recommended by the commissioners, and for that purpose may purchase or take lands in said cities in the same manner, and with the same rights of appeal, as provided in the general laws in regard to taking land for highways, and the title to lands so taken shall vest in the city taking the same.

Cambridge and Somerville may take lands, etc.

SECT. 6. This Act shall take effect upon its passage.
(May 6, 1872.)

AN ACT to authorize the Commissioners on the West Boston and Cragie or Canal Bridges to reconstruct and widen Cragie or Canal Bridge.

Be it enacted, etc., as follows:—

SECTION 1. The commissioners on the West Boston and Cragie or Canal Bridges may build a new bridge in the place of, or repair, reconstruct, and widen, to a width not exceeding sixty-four feet, the present Cragie or Canal bridge, and may construct fender guards, make changes in the draw and draw-piers, and do such other acts as they may deem necessary, expedient, or convenient in the premises, to secure a bridge and draw which shall safely and conveniently accommodate public travel and navigation, subject, however, to the provisions of chapter four hundred and thirty-two of the Acts of the year eighteen hundred and sixty-nine.

Commissioners may construct new bridge, or rebuild and widen the present bridge.

Subject to provisions of 1869, 432.

SECT. 2. To secure and accomplish the objects and purposes of the preceding section, said commissioners may take such lands, buildings, wharves, and structures as they may deem necessary and all damages to private property or for land taken under this Act, shall be ascertained as provided in

May take buildings, wharves, etc.

chapter forty-three of the General Statutes, and, together with all other expenses incurred hereunder, shall be paid equally by the cities of Boston and Cambridge. (April 15, 1873.)

AN ACT concerning the building by the city of Somerville of a drain through the city of Cambridge.

Be it enacted, etc., as follows:—

Somerville
may maintain
a drain
through
Cambridge to
Alewife
Brook.

SECTION 1. The mayor and aldermen of the city of Somerville may lay, make, and maintain a main drain or common sewer from Somerville to Alewife Brook and through that portion of Cambridge which is bounded by Somerville and by North Avenue, the Lexington and Arlington branch of the Boston and Lowell Railroad and said Alewife Brook in Cambridge, and in such part thereof as to them shall seem best, and through the lands of any persons and corporations within said territory, and may repair the same, from time to time, whenever repairs thereof shall be necessary, and such main drain or common sewer shall be the property of the said city of Somerville, but it shall not be so laid as to require the removal of, or interference with, any building, or any part of any building now owned by the city of Cambridge.

Liability for
damages.

SECT. 2. The proceedings in taking said lands for the purposes aforesaid, and the liability of said city of Somerville for all damages by reason of the laying, making, and maintaining of said main drain or common sewer, and the rights and remedies for ascertaining and recovering the amount of such damages shall be regulated by chapter one hundred and eleven of the Acts of the year eighteen hundred and sixty-nine, relating to laying, making, and maintaining main drains or common sewers in any city or town.

Owner of
private drain
may be
assessed for
entering
common
sewer.

SECT. 3. The city of Somerville shall have the same right to assess any person for entering his particular drain into such main drain or common sewer, and for all benefit received by more remote means on account of said main drain or common sewer for draining cellars or lands situated in said city of Somerville, as if the said main drain or common sewer was situated in Somerville, and all proceedings for the collection of and in regard to such assessments shall be the same as provided in the forty-eighth chapter of the General Statutes.

Somerville to
pay portion of
expense of
maintaining a
discharge of
sewage
through the
brook.

SECT. 4. The city of Somerville, in case it shall drain into said Alewife Brook as aforesaid, shall pay a just and proper proportion with the city of Cambridge of all such expenses as may be deemed necessary by the city of Cambridge to secure and maintain a proper discharge

through Alewife Brook of all sewage entering therein; and in case said cities cannot agree, such proportion shall be determined by the county commissioners of the county of Middlesex upon the petition of either city. In case the city of Somerville shall neglect or refuse to comply with any order, decision, or decree of said county commissioners for thirty days after the same is made, all rights of the city of Somerville under this Act shall cease.

SECT. 5. In case the city of Somerville shall drain into Alewife Brook as aforesaid, the city of Cambridge may construct and maintain self-acting tide gates across said Alewife Brook, near to Broadway in the city of Somerville, and the city of Somerville shall pay such portion of the expense of constructing and maintaining such tide-gates as the county commissioners of the county of Middlesex shall determine, in the manner provided in the preceding section; and with the same penalty as therein provided for neglect or refusal to comply with their order, decision, or decree for thirty days after the same is made.

Cambridge may construct self-acting tide gates across the brook.

SECT. 6. Nothing contained in this Act shall authorize or empower said city of Somerville to assess land in said city of Cambridge.

Somerville not to assess land in Cambridge.

SECT. 7. The provisions of this Act shall be subject to amendment or repeal at the pleasure of the Legislature.

SECT. 8. This Act shall take effect upon its passage. (May 20, 1873.)

AN ACT for the abatement of a nuisance in the cities of Cambridge and Somerville, and for the preservation of the public health in said cities.

Be it enacted, etc., as follows:—

SECTION 1. The boards of mayor and aldermen of the cities of Cambridge and Somerville, respectively, may order the owners of the channel, flats, and basins of Miller's River in said cities, situated and lying east of Prospect Street in said Somerville, and south-west of the Boston and Lowell Railroad, and within their respective limits, except so much thereof as lies westerly and southerly of the easterly and northerly lines of John P. Squire and Company's buildings prolonged, respectively, to Gore Street and to lands of the Boston and Albany Railroad Corporation, which lines and prolongations thereof shall be at all times substantially and securely bulkheaded by the said John P. Squire and Company, their heirs and assigns, owners of said premises, to fill up their channel, flats, and basins with good earth, or other suitable material, to a grade not less than thirteen feet above

Flats and channel way may be ordered to be filled up for the purpose of abating a nuisance.

mean low water, in order to secure a complete drainage thereof, the abatement of the present nuisance, and the preservation of the public health of said cities.

Orders to be made in writing, and served upon owners.

SECT. 2. Such orders shall be made in writing and served upon such owners or occupants or their authorized agents in the manner prescribed in section nine of chapter twenty-six of the general statutes for the service of orders of boards of health.

If owner does not comply with order, city may fill up the territory.

SECT. 3. If any owner of the territory, or any part thereof, described in the first section of this Act, fails to begin to comply with any such order for three months, or fails diligently after such beginning to proceed to comply with such order, or fails to comply fully with any such order for one year after such service thereof, the board of mayor and aldermen of the city wherein the same is situated, may fill up the said territory, or any part thereof, with good earth, or other suitable material, to the grade established as provided in the first section and specified in the order, and all necessary expenses incurred thereby shall constitute a lien upon said territory and the land made by said filling, and a lien upon all buildings upon such lands, which may be enforced and collected, and the city collectors may respectively purchase such land, or land and buildings, in behalf of their respective cities, as is provided by law for the collection of taxes upon real estate, and in case of land sold for taxes.

Expense of filling to be a lien upon the land.

Parties dissatisfied with assessment of expense may apply for a jury.

SECT. 4. Any person entitled to any estate in any part of the said territory, which shall be so filled by the mayor and aldermen, who shall be dissatisfied with the assessment of the expense of filling the same and raising the grade thereof, as aforesaid, may, within three months after receiving notice of such assessment, make complaint to the county commissioners of the county of Middlesex. Said commissioners shall thereupon order a jury, who may revise such assessment, and the proceedings shall be carried on in the manner prescribed in chapter forty-three of the general statutes, in cases where persons are aggrieved by the assessment of damages, by the selectmen. If the assessment is reduced, the legal charges arising on such complaint shall be paid by the city, otherwise by the complainant.

Owner may surrender his estate to the city.

SECT. 5. Instead of making such complaint any person who shall be dissatisfied with the assessment upon him of the expense of filling the said territory, or any part of the same, and raising the grade thereof, as aforesaid, may give notice to the mayor and aldermen of the city wherein the same is situated, within sixty days after he receives notice of such assessment, that he objects to the same and elects to surrender his estate to said city; and such owner shall thereupon convey the estate to said city.

SECT. 6. If any person whose estate is conveyed under

the preceding section, agrees with the city upon the value thereof, excluding the benefit or advantage which has accrued from the filling or raising of the grade of said estate and of said territory, the same shall be forthwith paid to him by the city. If any person shall not so agree he may, at any time within three months from the delivery of the deed conveying such estate to the city, apply to the county commissioners, as provided in section four of this Act, for a jury to determine the value of said estate, excluding the benefit or advantage which has accrued from the filling or raising of the grade of said estate, and the proceedings shall be provided as in said section. The amount awarded by the jury shall be paid by the city, and if the amount is increased above the sum before offered by the city, all legal charges arising on such application shall be paid by the city, otherwise by the applicant.

If owner and city agree upon price, the amount to be paid forthwith.

If they disagree, price to be determined by a jury.

SECT. 7. Said cities may lay, or permit to be laid, railway tracks through their several streets and maintain or permit them to be maintained so long as necessary for transporting earth and other material to fill up the territory as herein provided.

May lay railway tracks through the streets.

SECT. 8. All filling and grading done under this Act shall be done within five years from the passage hereof.

Filling to be done within five years.

SECT. 9. Said boards of mayor and aldermen shall, within the limits of their respective cities, construct such sewers in the territory set forth in section one of this Act, as they shall deem the public health and convenience require, and also a main sewer, which shall be built through, near to, or for the drainage of the territory described in section one of this Act, and which shall discharge all drainage and sewage of the said territory by Bridge Street in Cambridge to a point in Charles River at or near to Cragie Bridge; provided, however, that so much of such main sewer as lies between the Grand Junction Railroad and Bridge Street Bridge shall not be constructed more than forty feet from the line of Milk Street.

Sewers may be constructed.

Proviso.

SECT. 10. No sewer shall be constructed or maintained by either of said cities having its outfall at any point in Miller's River above the outlet of Prison Point Bay.

Outlet of sewer.

SECT. 11. Said main sewers shall be the common property of both said cities, to be used by them in common, without restriction in any manner or degree upon each other, and shall be located and constructed within such time and in such manner as the commissioners mentioned in section twelve of this Act shall direct.

Main sewers to be common property of both cities.

SECT. 12. Said cities shall pay all expenses of constructing and maintaining said main sewers, and all expenses of the commission in this section provided for, in such proportions as shall be determined by a commission to consist of

Expenses to be apportioned by commissioners appointed by S. J. C.

Proviso.

three persons, who shall be appointed by the supreme judicial court, sitting as a full court in any county, at any time after the passage of this Act, upon the petition of the mayor of either of said cities, or of any person interested in the construction of the sewer mentioned in section nine of this Act, after such notice as the court or any justice thereof may order: provided, however, that either of said cities shall have the same right of assessing a proportional part of any expenses paid by it for constructing said sewers, upon any persons, excepting the owners of that portion of the territory described in the first section of this Act which lies between the Grand Junction and Lowell Railroads, receiving benefit thereby for draining their lands in such city or otherwise, as it now has for constructing other main drains or common sewers in such city.

Commissioners to be sworn, and to make their award to the S. J. C.

SECT. 13. Said commissioners shall be sworn to the faithful and impartial discharge of their duties, and shall then, after due notice and hearing in such manner and amount as they shall deem just and equitable, apportion and assess upon said cities all expenses mentioned in, and incurred under, the preceding section, and shall determine what territory in each of said cities is benefited by the construction of each of said main sewers, and what proportion of the cost thereof assessed by them on either of said cities may be assessed by such city on the territory benefited within its limits. They shall return their award into the supreme judicial court, sitting either for the county of Middlesex or Suffolk, and when said award has been accepted by said court, the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding upon all parties, and said court may enforce the same by proper process.

SECT. 14. This Act shall take effect upon its passage. (May 23, 1873.)

AN ACT relating to the election of Overseers of the Poor in the city of Cambridge.

Be it enacted, etc., as follows:—

Overseers of the poor to be elected by districts.

The qualified voters of the city of Cambridge at the first annual meeting for the election of municipal officers after the passage of this Act, shall elect six persons to be overseers of the poor, two from the district comprising the first and fifth wards; two from the district comprising the second and fourth wards, and two from the district known as the third ward, as said wards are now constituted. The person receiving the highest number of votes in each district shall hold office for two years, and the other person elected shall hold

To hold office for two years.

office for one year: provided, that in case the two persons elected from a district shall have the same number of votes, the person who is senior in age shall hold office for two years, and the other person shall hold office for one year and at every subsequent annual meeting for the choice of municipal officers, one person shall be elected overseer of the poor from each district to hold office for two years and until his successor is chosen and qualified. (June 4, 1873.)

AN ACT to amend the charter of the city of Cambridge.

Be it enacted, etc., as follows:—

SECTION 1. The city treasurer of the city of Cambridge may, as collector of taxes, appoint such deputy collectors of taxes as he may, from time to time, deem expedient, who shall give bonds for the faithful discharge of their duties in such sums as the board of aldermen of said city shall, from time to time, prescribe, and such deputies shall have the same powers as collectors of taxes of towns.

Deputy collector of taxes may be appointed by the treasurer.

SECT. 2. Said treasurer may, as collector of taxes, issue his warrants to the sheriff of the county, or his deputy, or any of the constables of the city of Cambridge, returnable in thirty days, requiring them to collect any or all taxes due, and such warrant shall be in substance the same, and confer the same and like powers as warrants issued by assessors to collectors.

Treasurer may issue warrants for collection of taxes.

SECT. 3. This Act shall take effect upon its passage. (June 6, 1873.)

AN ACT to incorporate the Cambridge Improvement Company.

Be it enacted, etc., as follows:—

SECTION 1. James A. Woodbury, Solomon A. Woods, Sereno D. Nickerson, their associates and successors, are made a corporation by the name of the Cambridge Improvement Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in general laws, which now are or hereafter may be in force relative to such corporations, and with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land and flats situated in Cambridge and bounded westerly by Third Street, easterly by the Commissioners' line on Charles River, southerly by Main Street and West Boston Bridge and northerly by Cambridge and Bridge Streets.

Corporators.

Powers and duties.

May construct
wharves and
buildings and
sell real estate.

SECT. 2. Said corporation shall have power to sell and convey, lease, mortgage, or otherwise dispose of said corporate property or any part thereof, and to manage, improve, fill, and grade the same, with authority to construct docks, wharves and buildings, and to lay out streets and passageways, and otherwise improve the same, as it shall be deemed expedient; provided, however, that no canal shall be constructed within the territory of said corporation without the consent of the city of Cambridge, and provided, further, that all authority granted by this Act to do any filling or build any structures in tide-water is granted subject to the provisions of chapter four hundred and thirty-two of the Acts of the year eighteen hundred and sixty-nine.

Proviso.

Capital stock
and shares.

SECT. 3. The capital stock of said corporation shall be six hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to increase the said stock by vote of said corporation, from time to time, to an amount not exceeding one million dollars.

SECT. 4. This Act shall take effect upon its passage. (March 27, 1874.)

AN ACT to amend "An Act for the abatement of a nuisance in the city of Cambridge, and for the preservation of the public health in said city."

Be it enacted, etc., as follows:—

Apportion-
ment of
assessment for
expenses.

Chapter three hundred and ninety-one of the Acts of the year eighteen hundred and sixty-nine is hereby amended by adding at the end of the third section of said Act the following words: "If the owner of any estate so assessed for such expenses desires to have the amount of said assessment apportioned, he shall give notice thereof in writing to the board of mayor and aldermen at any time before a demand is made upon him for the payment thereof, or at any time not exceeding thirty days after such demand, and said board shall thereupon apportion the said amount into five equal parts, which apportionment shall be certified to the assessors of said city; and the said assessors shall each year for the five years then next ensuing, in addition to the annual tax on said estate, include in their warrant to the collector one of said equal parts, with the interest thereon from the date of said apportionment, which part shall be collected and the lien therefor enforced in the same manner with like charges for cost and interest, and with the same right in the collector to purchase such land in behalf of the city, as is provided by law for the collection of taxes upon real estate. Said city may assume the cost of raising to the required grade, such private ways or courts in said city, as have been or may be ordered to be filled to grade under the provisions of this Act." (April 9, 1874.)

AN ACT to amend an Act for the abatement of a nuisance in the cities of Cambridge and Somerville, and for the preservation of the public health in said cities.

Be it enacted, etc., as follows:—

SECTION 1. The first section of chapter three hundred and four of the Acts of the year one thousand eight hundred and seventy-three is amended, by inserting after the word "south-west" in the fifth line, the words, "of a line parallel with and not more than one hundred feet distant north-eastwardly from the centre of the tracks." Amendment to 1873.

SECT. 2. This Act shall take effect upon its passage. (April 15, 1874.)

AN ACT to authorize a new bridge between Boston and Cambridge.

Be it enacted, etc., as follows:—

SECTION 1. The cities of Boston and Cambridge are authorized to lay out, make, and maintain a new avenue from Brattle Square in said Cambridge across Charles River to some point on Market Street in ward nineteen in said Boston, and to build and maintain a bridge across said river which shall be a part of said avenue. May build bridge between Boston and Cambridge.

SECT. 2. Each of said cities may, within its own limits, take land for said avenue in the same manner as lands are taken therein for laying out highways, with the same right to all parties to appeal to a jury, and betterments may be assessed in each city as in the case of other ways. Each city may take land within its own limits.

SECT. 3. Said bridge shall have a draw with a clear opening of thirty-eight feet for the free passage of vessels, and the authority hereby given to build said bridge is given subject to the provisions of chapter one hundred and forty-nine of the Acts of the year one thousand eight hundred and sixty-six. Draw to have a clear opening of thirty-eight feet.

SECT. 4. Each of said cities shall bear the expense of laying out, making, and maintaining that part of said avenue on its own side of the channel; but the expense of making, maintaining, and operating said draw shall be borne equally by said cities. And the care and management of said bridge and draw shall be vested in the board of commissioners provided for in section six of chapter three hundred and two of the Acts of eighteen hundred and seventy. Expense of making avenue and maintaining draw.

SECT. 5. This Act shall take effect upon its acceptance by the city councils of Boston and Cambridge. (April 15, 1874.)

AN ACT to authorize the city of Cambridge to construct and maintain the tide gates across Alewife Brook.

Be it enacted, etc., as follows:—

SECTION 1. The city of Cambridge may construct and maintain self-acting tide gates, across Alewife Brook, at or

Cambridge
may maintain
self-acting tide
gates across
Alewife
Brook.
Provido.
Sewage not to
be discharged
into brook.

near Broadway in the city of Somerville; provided, however, in erecting such tide gates, such provision for the passage of fish shall be made as shall be satisfactory to the commissioners on inland fisheries.

SECT. 2. This Act shall not be construed to authorize the discharge of sewage into said brook.

SECT. 3. This Act shall take effect upon its passage.
(April 24, 1874.)

AN ACT to authorize the construction of a new bridge and avenue across the Charles River between Boston and Cambridge.

Be it enacted, etc., as follows:—

Boston and
Cambridge
may construct
a new avenue
and bridge.

SECTION 1. The cities of Boston and Cambridge are authorized, subject to the provisions of the one hundred and forty-ninth chapter of Acts of the year eighteen hundred and sixty-six, to construct a bridge and avenue as hereinafter provided across Charles River from a point on Beacon Street, in Boston, to a point in Cambridge, west of the westerly line of the lands of the Boston and Albany Railroad. The location of said bridge and avenue shall be determined by the city councils of said cities, subject to the approval of the board of harbor commissioners, and subject, moreover, to this limitation, namely, that the line thereof shall not be north-east of a line drawn from the junction of Beacon Street and West Chester Park in Boston, to the junction of Front Street in said Cambridge, extended with said lands of the Boston and Albany Railroad; nor south-west of a line from the junction of Beacon Street, Brookline Avenue, and Brighton Avenue in Boston, to Putnam Avenue, at its junction with said lands of the Boston and Albany Railroad in Cambridge. Said bridge shall have a draw with a clear opening of at least thirty-six feet in width for the passage of vessels.

Bridge to be
built of iron,
with stone
abutments.

SECT. 2. Said bridge shall be firmly constructed of iron resting upon stone piers and abutments; the piers and abutments to be of such size, shape, and construction, and be at such distances from each other as the harbor commissioners, upon application made by said cities upon such notice as said commissioners deem proper, and after a hearing thereon, shall determine and certify to each of said cities, and no piers shall be built except in accordance with such certificate. In making such determination and certificate, said commissioners shall have reference to the use of the river for pleasure-boating by row boats, as well as for other purposes. Said avenue within the harbor lines may be constructed of solid filling, with the approval of said board of harbor commissioners.

SECT. 3. Each city may, within its own limits, purchase or otherwise take lands not exceeding one hundred feet in width for said bridge and avenue, and all the proceedings relating to such taking shall be the same as in the case of land taken for highways within said cities respectively, with like remedies to all parties interested, and betterments may be assessed for the construction of said bridge and avenue in each city in like manner as for the laying out of highways under the betterment Acts in force in each city respectively, with like remedies to all parties interested.

Each city may take land for the purpose.

SECT. 4. Each of said cities shall bear the expense, including land damages, of constructing such part of said bridge and avenue as lies within its own limits; excepting that the expense of constructing so much thereof, including the draw, as shall lie between the harbor lines, shall be borne equally by both cities. And the care and management of said bridge and draw shall be vested in the board of commissioners provided for in section six of chapter three hundred and two, of the Acts of the year eighteen hundred and seventy.

Expense of construction and land damages.

SECT. 5. Such bridge and avenue when completed shall be a public highway, and the expense of maintaining the bridge and draw, and keeping the bridge and draw in repair, and affording all proper and necessary accommodation for the passage of vessels through the bridge by day or night, shall be borne equally by said cities, and said cities shall be jointly liable for all damage resulting from any defect or want of repair in said bridge or draw by carelessness or neglect in the care of said bridge and draw.

Expense of maintenance to be borne by the two cities equally.

SECT. 6. Where said bridge and avenue cross the Boston and Albany Railroad, it shall be at such grade as will leave a clear opening of not less than eighteen feet above the tracks of said railroad as now laid, of sufficient width to permit the operation of a double track. The expense of the necessary and convenient abutments at such crossing and such retaining walls as may be required on said lands of said railroad shall be equitably apportioned by the board of railroad commissioners between said city of Cambridge and the Boston and Albany Railroad Company.

Bridge to be eighteen feet above tracks of Boston and Albany R. R.

SECT. 7. In order to decide what part of said avenue shall be maintained by both cities jointly in accordance with the provisions of the fifth section of this Act, it is hereby determined that the line of solid filling authorized by the board of harbor commissioners as provided in the second section of this Act, shall be the limit of the bridge.

Solid filling authorized by harbor commissioners to be limit of bridge.

SECT. 8. This Act shall not authorize the construction of any bridge which shall not have been begun within three years, and completed within five years from its passage. This Act shall take effect upon its passage. (June 8, 1874.)

Bridge to be begun within three years and completed within five years.

AN ACT to amend an Act to provide for the prevention and abatement of nuisances and the preservation of the public health, in the cities of Cambridge and Somerville.

Be it enacted, etc., as follows:—

Abatement of nuisances and preservation of health in Cambridge and Somerville 1872.

Ch. 299.
5.

Chapter two hundred and ninety-nine of the Acts of eighteen hundred and seventy-two is hereby amended, by adding at the end of the fifth section of said Act the following words:—"If the owner of any estate within said city of Cambridge, so assessed for such expenses, desires to have the amount of such assessment apportioned, he shall give notice thereof in writing to the board of mayor and aldermen of said city at any time before a demand is made upon him for the payment thereof, and said board shall thereupon apportion the said amount into five equal parts, which apportionment shall be certified to the assessors of the said city, and the said assessors shall each year for the five years then next ensuing in addition to the annual tax on said estate, include in the warrant to the collector one of said equal parts, with interest thereon from the date of said apportionment, which part, with interest thereon, shall be collected and the lien therefor enforced in the same manner, with like charges for cost and interest, and with the same right in the collector to purchase such lands and buildings in behalf of the city as is provided for by law for the collection of taxes on real estate. The city of Cambridge may assume the cost of raising to the required grade, such private ways or courts in said city, as have been or may be ordered to be filled to grade under the provisions of this Act." (Feb. 24, 1875.)

AN ACT in addition to an Act to supply the city of Cambridge with pure water.

Be it enacted, etc., as follows:—

May issue additional water scrip, not exceeding \$500,000.

SECTION 1. To enlarge and extend the water works of the city of Cambridge, the city council of said city may issue scrip or bonds in addition to the scrip or bonds authorized by chapter one hundred and fifty-seven, of the Acts of the year eighteen hundred and seventy-two, to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be payable at periods not more than twenty years from the issuing of such scrip or bonds; and said city council may sell such scrip or bonds or any part thereof, from time to time, or pledge the same for money borrowed for the extension of said water works, on such terms and conditions as it may deem proper.

SECT. 2. Said city of Cambridge shall annually set apart from the surplus receipts of said works, after deducting all expenses and charges of distribution, and if that should be insufficient, from money raised by taxation for the sinking fund now established for the redemption of its water bonds, a sum not less than three per centum of the par value of the then outstanding water bonds.

To establish sinking fund.

SECT. 3. This Act shall take effect upon its passage. (April 20, 1875.)

AN ACT to provide a further supply of water for the city of Cambridge.

Be it enacted, etc., as follows:—

SECTION 1. The city of Cambridge for the purpose of supplying said city and the inhabitants thereof with pure water, for the extinguishment of fires, for domestic, and other purposes, may take, hold, and convey into and through said city, the waters of Spy Pond, in the town of Arlington, and of Little Pond in the town of Belmont, and of Wellington Brook, in said Belmont, and the waters that flow into said ponds or brook, or either of them; may connect the same or any part thereof with Fresh Pond; and may take and hold by purchase or otherwise, such land on and around the margin of said ponds, including Fresh Pond, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold in like manner such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains, and other works for collecting, conducting, and distributing said waters into and through said city, either by the way of Fresh Pond or otherwise; provided, however, that said city shall not hereby acquire any right to take ice from either of said ponds, or to take land upon which any building or machinery is now erected, or which is used in connection with such building or machinery for the purpose of storing ice or for convenience in cutting, storing, and moving ice, without the consent of the owner of said land and buildings or machinery, and shall not obstruct by ditches, buildings, or other structures, the rights of such owners in the cutting, storing, and removing of ice, except so far as the same shall result from the raising or lowering of the surface of the water of said ponds, or either of them, and except so far as is necessary for the preservation of the purity of the waters of said ponds; but nothing in this Act shall be construed to give additional rights to said city to lower the surface of said Fresh Pond below the point now authorized by law.

Cambridge to be supplied with pure water.

May take land, etc.

Proviso.

To file in
registry of
deeds a
description of
the land taken.

May build
aqueducts and
make
reservoirs.

Roads entered
upon in other
towns to be
done under the
direction of
the selectmen.

Liability of
city for
damages.

SECT. 2. Said city by its mayor shall, within sixty days after taking any lands for the purposes of this Act, file in the registry of deeds of the county and district in which such land lies, a description of the land so taken as certain as is required in a common conveyance of land.

SECT. 3. Said city for the purposes aforesaid, may build aqueducts and maintain the same by any works suitable therefor; may erect and maintain dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants as may, from time to time, be deemed proper, and may change or discontinue the same; may regulate the use of water, and establish the price or rents to be paid therefor, and collect the same by process of law. Said city may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway, or other way, in such manner as not to obstruct the same; and may enter upon and dig up such road, street, or way, for the purpose of laying down, maintaining, or repairing pipes or drains, and may do any other thing necessary and proper in executing the purposes of this Act.

SECT. 4. If said city enters upon and digs up, for the purposes aforesaid, any road, street, or way, which is outside of the limits of said city, it shall do so under the direction of the selectmen of the town in which said road, street, or way is located, and shall restore said road, street, or way to as good order and condition as it was in before such digging was commenced; and the work shall be done in such manner, and with such care, as not to render any road, street, or way in which such pipes are laid unsafe, or unnecessarily inconvenient to the public travel thereon. Said city shall, at all times, indemnify and save harmless any such town which is liable to keep in repair any road, street, or way aforesaid, against all damages which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur by reason of any defect or want of repair in such road, street, or way caused by the maintenance, repairing, or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in any such pipes; provided, that said city has notice of any claim or suit of such damage or injury, and an opportunity to assume the defence thereof.

SECT. 5. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of, or injury to, any of their land, water, water rights, rights of way or property, or by the constructing of any aqueduct, reservoir, or other works, for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid cannot agree with said city upon the amount of said damages, he may, within three years of such taking or construction, have

them assessed in the same manner as is provided by law with respect to land taken for highways.

SECT. 6. All the rights, power, and authority given to the city of Cambridge by this Act shall be exercised by said city, subject to all duties, liabilities, and restrictions herein contained, in such manner and by such agents, officers, and servants, as the city council shall, from time to time, ordain, direct, and appoint.

Powers to be exercised by the city or its agents.

SECT. 7. Whoever wantonly or maliciously diverts the water, or any part thereof taken or held by said city pursuant to the provisions of this Act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned, or used by said city, under the authority and for the purposes of this Act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in any action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year in the house of correction in said county of Middlesex.

Penalty for diverting water, or rendering it impure.

SECT. 8. This Act shall take effect upon its passage. (May 1, 1875.)

AN ACT in addition to an Act for the abatement of a nuisance in the cities of Cambridge and Somerville, and for the preservation of the Public Health in said cities.

Be it enacted, etc., as follows:—

SECTION 1. The boards of mayor and aldermen of the cities of Cambridge and Somerville, by concurrent action, shall, within two years from the passage of this Act, extend the main sewer constructed under the provisions of chapter three hundred and four, of the Acts of the year eighteen hundred and seventy-three, in the cities of Cambridge and Somerville, from its present terminus at the commissioners' line on Charles River towards or into the deep water channel of said river; the expense thereof to be borne by said cities respectively in the same proportions as the expense of said main sewer is borne.

Main sewer to be extended to the deep water channel of Charles River.

SECT. 2. The work hereby authorized shall not be commenced until the plans thereof are approved by the harbor commissioners.

Plans to be approved by harbor commissioners.

SECT. 3. This Act shall take effect upon its passage. (May 8, 1875).

AN ACT concerning the overseers of the poor of the city of Cambridge.

Be it enacted, etc., as follows:—

Overseers of
the poor in
city of
Cambridge.

SECTION 1. The city council of the city of Cambridge shall, in the month of April of the current year, in joint convention, elect by ballot five persons, one at least from among the residents of each of the present representative districts of said city, to be overseers of the poor in said city, one person for one year, one person for two years, one person for three years, one person for four years, and one person for five years; and said council shall annually thereafter, in the month of April in like manner, elect one person to serve for five years. These persons so chosen shall, together with the mayor, who shall *ex-officio* be chairman of the board, constitute the board of overseers of the poor in said city of Cambridge.

To hold office
until others
are elected
and qualified.

Vacancies.

SECT. 2. The members of said board shall enter upon their duties on the first Monday of May next after their election, and hold office until others are elected and qualified in their stead; vacancies from any cause shall forthwith be filled by the city council in the same manner, and the person elected to fill any vacancy shall hold office during the unexpired term of the member who has ceased to hold office and until another is chosen and qualified in his stead.

Organization.

SECT. 3. Said board shall annually on the first Monday of May meet and organize and choose such subordinate officers and agents as they may deem expedient, and define their duties and fix their salaries, but no member of the board shall be eligible to be chosen by said board to any position of emolument.

To render
account of
expenditures.

SECT. 4. Said overseers shall render such accounts and reports of their expenditures, acts; and doings as may be required by the city council.

Present
overseers to
hold office
until others
are elected.

Repeal.

SECT. 5. The present overseers of the poor in the city of Cambridge shall hold office until others are elected and qualified under the provisions of this Act and no longer.

SECT. 6. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Subject to
acceptance by
city council.

SECT. 7. This Act shall take effect upon its acceptance by the city council of the city of Cambridge, by concurrent vote; provided, the same shall be accepted within sixty days from the date of its passage. (March 10, 1877.)

AN ACT concerning the treasurer and collector of the city of Cambridge.

Be it enacted, etc., as follows:—

SECTION 1. The treasurer and collector of the city of Cambridge may be removed from office at any time for sufficient cause, by the mayor with the consent and approval of three-fourths of all the members of each branch of the city council, upon a yea and nay vote. The city council shall in convention by joint ballot elect a successor to any treasurer and collector thus removed, and the collector thus chosen shall complete the collection of all taxes and assessments which were committed to the former collector, and all proceedings in such collection shall be conducted in the same manner as is provided by law in the case of a death of a collector.

May be removed from office by city council.

Successor to be elected by city council.

SECT. 2. All fees, charges, and commissions of every kind and description allowed by law for the collection of taxes, betterments, rates, and assessments of every kind to any person or persons authorized to collect the same upon any warrant or other command hereafter directed to the treasurer and collector of the city of Cambridge in his capacity as treasurer or collector or as both treasurer and collector, shall be collected and paid into the treasury of said city, and shall be the property of said city. The city may pay to such person such compensation for his services as the city council shall from time to time determine.

Charges allowed by law for collection of taxes, etc., to be paid into city treasury.

Compensation.

SECT. 3. This Act shall take effect upon its passage. (March 30, 1878.)

AN ACT relating to the election of assessors and assistant assessors in the city of Cambridge. (Rejected Nov. 4, 1879.)

AN ACT in addition to the Acts for the purpose of supplying the city of Boston with pure water.

Be it enacted, etc., as follows:—

SECTION 1. For the purpose of supplying water to its inhabitants, the city of Boston is hereby authorized by and through the agency of the Boston Water Board to lay and maintain new main pipes from its reservoir constructed under the provisions of chapter one hundred and thirty-one, of the Acts of the year eighteen hundred and sixty-five, through the town of Brookline to the city of Boston, in the manner provided in chapter one hundred and sixty-seven, of the Acts of

May maintain new main pipes through Brookline to Boston.

May enter upon and dig up roads.

Subject to regulations of selectmen of Brookline.

May lay and maintain pipes through Cambridge, Somerville, and Medford.

Streets to be restored to same order and condition as when digging commenced.

the year eighteen hundred and forty-six ; and for this purpose may take and hold by purchase or otherwise any lands or real estate necessary therefor ; and lay said pipes over or under any water course or any streets, turnpike roads, railroads, highways, or other ways, in such manner as not to unnecessarily obstruct or impede the travel thereon ; and may enter upon and dig up any such roads, streets, or ways, for the purpose of laying down said pipes beneath the surface thereof, and for maintaining and repairing the same ; but always in such manner and with such care as not to render the roads, streets, and ways unnecessarily unsafe or inconvenient to the public travel thereon. And said city of Boston in performing said works, shall be subject to such reasonable regulations as to time, place, and manner of digging up any streets or ways of public travel for the purposes aforesaid and the laying of said pipes as shall be made by the selectmen of the town of Brookline, within the limits of said town for the protection of their rights of drainage and sewerage therein and the public rights of passage thereon.

SECT. 2. For the purpose aforesaid the city of Boston is likewise authorized, through the agency of the Boston Water Board, to lay and maintain a main pipe from any point on pipes authorized by the foregoing section through the cities of Cambridge and Somerville and the towns of Brookline and Medford to the Mystic pumping station, so called, in the city of Somerville, and for this purpose shall have all the powers specified in the foregoing section, and shall be subject to such reasonable regulations of the city councils of the cities of Cambridge and Somerville and the selectmen of the towns of Medford and Brookline within their respective limits as may by the foregoing section be made by the selectmen of the town of Brookline. Said city of Boston shall not displace any public sewer or water pipe without the assent of the said city councils and boards of selectmen respectively.

SECT. 3. Whenever the city of Boston shall dig up any street or way as aforesaid, it shall restore the same to as good order and condition as the same shall be in when such digging commenced ; and the city of Boston shall at all times indemnify and save harmless the cities of Cambridge and Somerville, and the towns of Medford and Brookline against all damage which may be recovered against them, respectively ; and shall reimburse to them, respectively, all expenses which they shall incur by reason of any defect or want of repair in any street or way, caused by the construction of said aqueduct or the laying of said pipes, or by the maintaining or repairing of the same ; provided, that the city of Boston shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

SECT. 4. The city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land or real estate, or the laying of said pipes as aforesaid; and any person sustaining damage as aforesaid may have the same ascertained, determined, collected, and paid in the manner as is provided in sections six, seven, and eight of chapter one hundred and sixty-seven, of the Acts of the year eighteen hundred and forty-six.

Liability for damages.

SECT. 5. Upon requisition by the respective city councils of the cities of Cambridge and Somerville, and the respective boards of selectmen of the towns of Medford and Brookline, prior to the laying of the said aqueduct and pipes through their respective limits, the city of Boston shall insert a number of hydrants in said pipes at points not less than one thousand feet apart, to be used for extinguishing fires, free of charge, and for no other purpose; and said several cities and towns shall pay to the city of Boston the expense of inserting and keeping in repair such hydrants as shall have been so inserted, upon their requisitions aforesaid within their respective limits.

Hydrants to be established.

SECT. 6. The city of Boston is also authorized, if the Boston Water Board shall be of opinion that the supply of water is sufficient for the purpose, to sell water to the city of Cambridge, when conducted through the main pipes laid by virtue of the provisions of section two of this Act, upon such terms as may be agreed upon by the city council of the city of Cambridge, and said Boston Water Board.

May sell water to Cambridge.

SECT. 7. This Act shall take effect upon its acceptance by the city council of the city of Boston; but the powers conferred by section one of this Act may be exercised without any obligation on the part of said city to exercise the powers conferred by section two. (March 19, 1880.)

Subject to acceptance by city council.

AN ACT to amend chapter one hundred and sixty-five, of the Acts of the year eighteen hundred and seventy-five, relating to a further supply of water for the city of Cambridge.

Be it enacted, etc., as follows :

SECTION 1. So much of chapter one hundred and sixty-five, of the Acts of the year eighteen hundred and seventy-five, as authorizes the city of Cambridge to take such land around the margin of Spy Pond, not exceeding five rods in width, as may be necessary for the preservation and purity of the water of said pond, is hereby repealed; provided, however, that this Act shall not affect any right already accrued under any former taking of land upon the margin of said pond under said Act; and provided, further, that this Act

Authority of Cambridge to take land around margin of Spy Pond repealed.

Proviso.

Proviso.

shall not, in any way, affect any other provisions of said Act.

SECT. 2. This Act shall take effect upon its passage.
(April 7, 1880.)

AN ACT to annex part of the town of Belmont to the city of Cambridge.

Be it enacted, etc., as follows :—

Part of town
of Belmont
annexed to
the city of
Cambridge.

SECTION. 1. All that part of the town of Belmont contained within the line described as follows: Beginning at a point where the dividing line between Cambridge and Belmont intersects the dividing line between Belmont and Watertown: thence running in a north-westerly direction on said dividing line between Belmont and Watertown one thousand nine hundred and ninety-five feet; thence turning and running in a northerly direction about four thousand three hundred and fifty feet to the north-westerly side of Washington Street at a point five hundred and ninety feet easterly of the easterly line of Grove Street, produced, as measured on said line of Washington Street; thence turning and running northerly on the westerly side of Washington Street to Concord Avenue; thence running in the same northerly direction on the westerly side of Brighton Street to the northerly side of Wellington Brook; thence turning and running in a north-easterly direction in a straight line to the point where the said line of Wellington Brook strikes the location of the Fitchburg Railroad Company on the westerly side of the culvert; thence turning and running a little more northerly about two thousand two hundred and sixty feet to a point in the dividing line between Belmont and Arlington, which is two thousand seven hundred and thirty feet as measured on said last dividing line from the town bound at the junction of Alewife Brook and Little River; thence turning and running south-easterly on said last dividing line to the town bound last above mentioned; thence turning and running in a general westerly and southerly direction on the present dividing line between Cambridge and Belmont to the point of beginning, — excepting and excluding, however, such portion of the above-described territory as is included within the present fences of the town cemetery, — with all the inhabitants and estates therein, is hereby set off from the town of Belmont and annexed to the city of Cambridge, and, until a new division of wards in said city, shall be and constitute a part of the first ward thereof.

SECT. 2. The inhabitants and estates within the territory hereby set off and the owners of such estates shall be holden

to pay all taxes assessed and in arrears to the same persons, and such taxes may be collected in the same manner as if this Act had not been passed; and until the next State valuation the city of Cambridge shall annually in the month of November pay to the town of Belmont three-twentieths of all State and county taxes that shall be assessed upon Belmont.

Taxes to be assessed and collected as though Act had not been passed.

SECT. 3. All paupers who have gained a settlement in the said town of Belmont by a settlement gained or derived within said territory shall be relieved or supported by the city of Cambridge in the same manner as if they had a legal settlement in Cambridge.

Settlement of paupers.

SECT. 4. The inhabitants of the territory hereby set off shall continue to be a part of Belmont for the purpose of electing State and county officers, members of the executive council, senators, and representatives to the general court, electors of president and vice-president of the United States, and representative to Congress, until the next decennial census or until another apportionment is made; and the mayor and aldermen of Cambridge shall make a true list of the persons residing in said district qualified to vote in such elections, post up the same in said territory, correct the same as is required by law, and deliver the same to the town of Belmont seven days at least before any such election; and the same shall be used by the selectmen of Belmont for such elections in the same manner as if it had been prepared by the said selectmen.

Election of county, State, and national officers.

SECT. 5. The power to alter, straighten, widen, repair, and grade all county and town ways existing in the territory hereby annexed, shall be vested in the city council of Cambridge.

Highways.

SECT. 6. The town of Belmont shall have the right to connect any of its public sewers with any sewer constructed by the city of Cambridge within the territory hereby annexed, upon first paying to said city a just compensation therefor, to be determined after due notice and hearing, by the county commissioners of the county of Middlesex; provided, that any such connection shall be made under the direction of said city, and the use of any sewer thus connected shall be subject to such reasonable rules and regulations, except as to assessments, as may be made by the city council of said city.

Public sewers.

Proviso.

SECT. 7. The city of Cambridge shall pay to the town of Belmont the fair market value of the town school-house, with the land connected therewith as a school yard, situated within the territory hereby annexed, and said city shall also take the town school-house building nearest to said territory. If the said city and town cannot agree upon the sum to be paid therefor, the damages shall be determined and paid in

City of Cambridge to pay Belmont for school-house.

the manner provided by law in the case of land taken for highways.

SECT. 8. This Act shall take effect upon its passage. (April 19, 1880.)

AN ACT to incorporate the Charles River Embankment Company.

Be it enacted, etc., as follows:—

Corporators.

SECTION 1. Isaac Pratt, Jr., Frederick L. Ames, William E. Coffin, Charles Davenport, Marietta G. Allen, John Goldthwait, Matilde C. Allen, and Harriett A. Porter, their associates and successors, are hereby made a corporation by the name of "The Charles River Embankment Company," to be established in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities set forth in all general laws which now are or hereafter may be in force relating to all similar corporations organized under the general laws of this Commonwealth, except so far as otherwise provided by this Act.

Name.

Powers and duties.

May buy and hold certain land and flats in Cambridge.

May take land by purchase or otherwise.

SECT. 2. Said corporation is authorized to buy and hold any or all of the land and flats in the city of Cambridge within the boundaries hereinafter mentioned, for the purpose of improving the same by building a public esplanade two hundred feet wide along the water front thereof, and by filling to established grades, of building thereon, and of selling or otherwise disposing of the remainder of said territory for its benefits. Said corporation is further authorized, at any time within two years from the passage of this Act, to take and hold by purchase or otherwise, as hereinafter provided, as much of said land and flats not now owned by said persons named in Section 1 of this Act, as may be necessary to complete said esplanade along the water line of the same from West Boston Bridge easterly to the Grand Junction Railroad bridge westerly; said land and flats are bounded as follows: northerly by the location of the Grand Junction Railroad; easterly by Main Street and West Boston Bridge; and southerly by a line beginning at the point marked *A* of the harbor line established by chapter one hundred and seventy, of the Acts of the year eighteen hundred eighty on the Cambridge side of Charles River, said point being marked by a copper tack through an iron plate on the northerly side of West Boston Bridge, thence running south-westerly on a curve of nine hundred fifty-one and thirty-four one-hundredths feet radius, tangent at point *A* to the said harbor line for a distance of five hundred and three and one one-hundredth feet, thence continuing south-westerly on a straight line tangent to said curve, and about one hundred feet southerly of said

harbor line, for a distance of six thousand eight hundred thirty-eight and nineteen one-hundredths feet, thence westerly on a curve of twelve hundred feet radius, tangent to the last-named line for a distance of four hundred ninety-six and ninety-seven one-hundredths feet, thence westerly in a straight line tangent to the last-named curve to the Grand Junction Railroad Bridge.

SECT. 3. Said corporation shall, within sixty days from the time it takes any land otherwise than by purchase, file in the office of the registry of deeds of the southern district of the county of Middlesex, a description of each parcel of land so taken, as certain as is required in a common conveyance of land, together with a statement of the purpose for which the lands are taken, which description and statement shall be signed by the president of the corporation.

Description of land taken to be filed in registry of deeds.

SECT. 4. When any land shall be taken under the provisions of this Act, said corporation shall pay all the damages occasioned thereby; and said damages shall, in case the parties fail to agree upon the same, be determined and recovered in the manner provided in the General Laws in respect to land and real estate taken by railroad corporations for the location and making of their railroads, or for depot and station purposes.

Liability for damages.

SECT. 5. Said corporation may, subject to the provisions of General Laws, fill and occupy in the manner and for the purposes set forth in the second section of this Act, the land now covered by tide-water which said corporation shall acquire under the provisions of this Act; provided, that said corporation shall build a substantial sea wall on the water line of said described territory, and shall construct and appropriate to public use, as an esplanade or park way, a strip on said water line two hundred feet wide and extending from West Boston Bridge to said Grand Junction Railroad Bridge; and provided, further, that within three years from the passage of this Act, said corporation shall have completed one thousand feet in length of said sea wall, and shall have deposited on said described territory not less than three hundred thousand cubic yards of earth dredged from Charles River basin in such localities, and to such depths as the harbor and land commissioners shall prescribe; and provided, further, that said sea wall and the filling of said territory shall be completed within ten years from the passage of this Act. Said corporation may transfer to the city of Cambridge the strip two hundred feet wide on said water line to be appropriated to public use as herein provided; and said city of Cambridge may accept and thereafter maintain the same for public use as aforesaid.

May fill land covered by tide-water.

To build sea wall.

To be completed within ten years.

May transfer strip on water line to Cambridge.

SECT. 6. The capital stock of said corporation shall not be less than five hundred thousand dollars, and may be increased

Capital stock and shares.

to not exceeding two millions of dollars, as may be necessary, from time to time, by vote of the corporation ; and shall be divided into shares of a par value not exceeding one hundred dollars each ; but said corporation shall not buy or take any land or commence the transaction of business until the whole amount of the capital stock as then fixed shall have been paid in, in cash, agreeably to the provisions of the General Laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth, as required by section thirty-two of chapter two hundred and twenty-four of the Acts of the year eighteen hundred and seventy.

SECT. 7. This Act shall take effect upon its passage. (April 21, 1881.)

AN ACT concerning Alewife Brook and certain sewers in Cambridge and Somerville.

Be it enacted, etc., as follows : —

City of
Cambridge to
construct a
sewer, and
discharge
certain
sewage in a
sewer in
Somerville.

SECTION 1. The city of Cambridge shall construct an intercepting sewer of sufficient capacity, and by means thereof shall conduct the sewage of the Concord Avenue, Spruce Street, and North Avenue sewers in said city, and of any sewer at any time discharging into either of said sewers or into said intercepting sewer, to some convenient spot upon the poor farm in said city ; shall there construct a storage basin for the temporary deposit of such sewage, and, by means of pumps or otherwise, shall raise such sewage to a sufficient height to discharge the same by the means of a connecting sewer at a convenient point in the sewer in Newbury Street, in the city of Somerville ; shall construct such connecting sewer, and shall so discharge the said sewage, for the term of five years from the first day of September next, the connection with the said Somerville sewer to be made on or before said first day of September ; provided, that during repairs upon any Somerville sewer into which the Cambridge sewage shall be so discharged, pumping shall be discontinued, if the city engineer of Somerville shall so request of the city of Cambridge ; and shall also be discontinued during any sudden and violent shower, storm, or unusually high tide, if reasonably necessary, but the city of Cambridge may, during any such discontinuance, discharge its sewage into Alewife Brook ; provided, however, that if this method of disposing of said sewage be adjudged impracticable, as herein-after provided, then the obligation imposed by this section shall be void ; and provided, further, that whenever the city of Cambridge shall adopt and carry into active operation any

Proviso

other method of disposing of the sewage of its sewers above named and sewers at any time discharging therein than by a discharge into Alewife Brook, the obligation imposed by this section shall be void.

SECT. 2. For the purposes named in the preceding section, the city council of Cambridge shall have the same right to take private land in Somerville as it now has to take lands for sewers in Cambridge, and all the proceedings of such taking shall be conducted in the same manner as though such lands were in Cambridge, and all persons and corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Cambridge.

City council of Cambridge may take land in Somerville.

SECT. 3. If at any time after the construction of the works required by the first section hereof and actual trial thereof, that method of disposing of said sewage be deemed by the State board of health, lunacy, and charity, after such notice and hearing as said board may order, impracticable without great and unreasonable expense, then the obligation imposed by the first section hereof shall be void.

If method of disposing of sewage is deemed impracticable by State board of health, etc., obligation to be void.

SECT. 4. After the expiration of five years from the first day of September next the city of Cambridge may, at its option, continue or discontinue the works prescribed in the first section hereof; said continuance, however, to be for a term of five years and no more, except with the consent of the city of Somerville, and subject to the same conditions as the original term.

To be discontinued after five years except with consent of Somerville.

SECT. 5. So long as the city of Cambridge discharges its sewage into the sewer of Somerville in the manner hereinbefore prescribed, it shall pay annually to the city of Somerville, upon the first day of September, the first payment to be made on the first day of September, A. D. eighteen hundred and eighty-two, the sum of one thousand dollars, and in the same ratio for any part of a year, and during the same period shall dispose of the sewage and storm water of the city of Somerville emptying into any sewer of Cambridge under the provisions of this Act, in the same manner that it disposes of its own sewage and storm water in the same sewers, and without any cost or charge to the city of Somerville.

Cambridge to pay to Somerville \$1,000 annually.

SECT. 6. The city of Somerville, for the purposes of draining the following-described territory situated in Somerville, namely: Commencing at a point on the boundary line between Cambridge and Somerville, distant one hundred and sixty-eight feet south-easterly from a stone bound marking said boundary line and numbered twenty-two; thence running south-eastwardly by said boundary line to the south-easterly line of Meacham Street; thence turning and running

Description of territory in Somerville to be drained by connecting with sewers in Cambridge.

north-eastwardly by said south-easterly line of Meacham Street to the Middlesex Central Railroad; thence continuing in the same direction and crossing said railroad to a point one hundred feet south-westerly from the south-westerly line of Holland Street; thence turning and running north-westwardly by a line parallel with said south-westerly line of Holland Street, and one hundred feet distant therefrom to the south-easterly line of Elmwood Street; thence turning and running south-westwardly by said south-easterly line of Elmwood Street to a point in line with the prolongation of the south-westerly line of Mead Street; thence turning and running north-westwardly by said south-westerly line of Mead Street prolonged, crossing Elmwood Street and Cameron Avenue, and by the said south-westerly line of Mead Street to the north-westerly line of Moore Street; thence in the same direction crossing Newbury Street and Clarendon Avenue to the land owned by the city of Cambridge; thence south-westwardly by said land of the city of Cambridge to the point of beginning, — may connect any sewer upon such territory with any sewer in Cambridge, and for that purpose the city council of Somerville shall have the same right to take private land in Cambridge as it now has to take land for sewers in Somerville, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Somerville, and all persons and corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Somerville.

City council of
Somerville
may take land
in Cambridge.

Each city may
enter upon
and dig up
streets, etc.

SECT. 7. Each of the said cities may, for the purposes of this Act, carry its pipes and drains under any street, railroad, highway, or other way, in such manner as not to unnecessarily obstruct the same, and may enter upon and dig up such street, railroad, highway, or other way for the purpose of laying, maintaining, and repairing any such pipes and drains, and may do any other things necessary or proper in executing the purposes of this Act; but, whenever, either of said cities enters upon or digs up for such purposes, any road, street or way which is outside its own territorial limits, it shall be subject to such reasonable regulations as may be prescribed by the mayor and aldermen of the city wherein such street or way may be located, and shall restore said road, street, or way to as good order and condition as it was in before such digging was commenced; shall perform the work in such manner and with such care as not to render any road, street, or way, in which such pipes are laid, unsafe, or unnecessarily inconvenient to the public travel thereon; and shall, at all times, indemnify and save harmless any city which is liable to keep in repair any road, street, or way aforesaid,

Liability for
damages.

against all damages which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur by reason of any defect or want of repair in such road, street, or way caused by the maintenance, repair, or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in any such pipes; provided, that such city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof. Either city shall have the right to use, without compensation, any sewer built under this Act within its own territorial limits.

SECT. 8. Whenever the city of Cambridge lawfully ceases to discharge sewage into the sewer of the city of Somerville, in the manner prescribed by the first section hereof, the city of Somerville shall cease to discharge its sewers into the sewers of the city of Cambridge, as provided in the sixth section hereof.

When
Cambridge
ceases to
discharge
sewage
Somerville
shall cease.

SECT. 9. No person or corporation, public or private, shall, after the first day of September next, discharge, or cause to be discharged, either directly or indirectly, into Alewife Brook, any drainage, refuse, or polluting matter of such quality and quantity, as either by itself or in connection with other matter shall corrupt the waters of said brook, or tend to make the brook a nuisance deleterious to public health; provided, however, that this prohibition shall not extend to the sewage from the sewers named in the first section hereof, nor to sewage from lands now emptying sewage into said brook, in case the method therein prescribed for disposing of the same be deemed impracticable as aforesaid by the State board of health, lunacy, and charity; but this proviso shall not be construed to give to the city of Cambridge, or any person or corporation, any right in addition to what it has at the date of the passage of this Act, if any, to drain into said brook.

Sewage not
to be
discharged
into brook
after Sept. 1,
1881.

Proviso.

SECT. 10. Nothing herein contained shall be construed to prevent the city of Cambridge from discharging the storm-water of its sewers, including those named in the first section hereof, into said brook, nor to destroy or impair prescriptive rights of drainage or discharge to the extent to which they lawfully exist at the date of the passage of this Act; and nothing in this Act contained shall be construed to authorize the pollution of the waters of said brook in any manner now contrary to law.

Not prohibited
from
discharging
storm waters
into brook.

SECT. 11. The mayor and aldermen of Cambridge may permit any person owning lands in Cambridge now draining into Alewife Brook to drain such lands, or any part thereof, into either of the sewers in Cambridge named in the first section hereof, upon such terms and conditions as they may prescribe. If, within seven days after application to them, the mayor and aldermen do not grant to any such person per-

Drainage into
Alewife
Brook, may be
made in
sewers in
Cambridge.

mission thus to drain, or if such person be dissatisfied with the terms and conditions prescribed by the mayor and aldermen, he may appeal to the State board of health, lunacy, and charity; which board after such notice as it may order, and a hearing, shall decide whether such person may enter either of the sewers, and what sum, either in gross or at stated periods, he shall pay to Cambridge therefor, and what other terms and conditions, if any, shall be imposed upon said entry, which decision shall be binding and final upon all parties.

Pollution of water to be prevented by the State board of health, etc.

Proviso.

Proviso

S. J. C. may enforce orders.

Order to be in writing.

Service of order.

Right of appeal to a jury.

SECT. 12. Whenever a violation of any of the provisions of this Act affecting the public health or the water supply of any city is committed, the State board of health, lunacy, and charity, may, if in its judgment the public health requires, order any person or corporation, public or private, to cease and desist from such violation, and to remedy the pollution or to cleanse or purify the polluting substances in such a manner and to such a degree that they shall be no longer deleterious to the public health before being cast or allowed to flow into said brook; provided, that before making such order the said board shall assign a time and place for hearing all parties interested, and shall give such parties an opportunity of being heard, and the order hereinbefore provided shall not be issued until after such notice and hearing; and provided also, that upon the application of any city to said board alleging the violation of any of the provisions of this Act, and the pollution of its water supply thereby, said board shall grant a hearing upon due notification to all parties interested, and upon proof of such violation shall issue the order or orders already mentioned in this Act.

SECT. 13. The supreme judicial court, or any one of its justices, in term time or vacation, shall have power to issue an injunction to enforce any such order.

SECT. 14. Every such order of the board of health, lunacy, and charity shall be made in writing, and served by any person competent to serve a notice in a civil suit personally upon the person found guilty of violation as aforesaid, or his authorized agent, or a copy of the order may be left at the last and usual place of abode of such person or his agent, if he has any such place of abode within the State known to the officer. If the residence of the owner or agent is unknown to the officer, or without the State, the order may be served by publication in one or more newspapers in such manner and for such time as said board may order. Any party aggrieved by any such order shall have the right of appeal to a jury, and be subject to the fifty-sixth and fifty-eighth sections of the twenty-sixth chapter of the General Statutes, and the two hundred and sixty-third chapter of the laws of the year eighteen hundred and sixty-five. During the pend-

ency of the appeal the pollution against which the order has issued shall not be continued contrary to the order, and upon any violation of the same the appeal shall be forthwith dismissed.

SECT. 15. Nothing hereinbefore contained shall be construed to exclude the jurisdiction of the supreme judicial court sitting in equity according to the usual course and practice of such court.

Jurisdiction
of the S. J. C.
in equity.

SECT. 16. This act shall be void unless accepted by the city council of each of said cities within thirty days from the date of the passage hereof. (May 6, 1881.)

Subject to
acceptance.

Accepted by Cambridge June 3, 1881 (City Records, Vol. U. page 405).

AN ACT to authorize the cities of Boston and Cambridge to construct and maintain a bridge over Charles River.

Be it enacted, etc., as follows :—

SECTION 1. The cities of Boston and Cambridge are authorized to construct a bridge and avenue across Charles River, from a point on Beacon Street, in Boston, to a point in Cambridge, west of the westerly line of the Boston and Albany Railroad. The location of said bridge and avenue shall be determined by the city councils of said cities acting separately, subject to the approval of the board of harbor and land commissioners so far as it affects the harbor, and subject, moreover, to the limitation that the line thereof shall not be north-east of a line drawn from the junction of Beacon Street and West Chester Park in Boston, to the junction of the harbor line with Front Street, extended, in Cambridge, nor south-west of a line drawn from the junction of Beacon Street, Brookline Avenue, and Brighton Avenue, in Boston, to the junction of the Boston and Albany Railroad with Putnam Avenue, extended, in Cambridge. Said bridge shall have a draw with a clear opening of at least thirty-eight feet in width for the passage of vessels.

Bridge over
Charles River
between
Boston and
Cambridge.

Draw to be
thirty-eight
feet wide.

SECT. 2. Said bridge shall be constructed of such materials as the said cities may agree upon; but on iron or stone piers and abutments, to be of such size, shape, and construction, and be at such distance from one another, as the said board of harbor and land commissioners, upon application made by said cities upon such notice as said board may deem proper, and, after a hearing thereon, shall determine and certify to each of said cities; and no pier or abutment shall be built except in accordance with such certificate. The avenue, with the exception of the portion between the harbor lines, may be constructed of solid filling, with the approval of the said board of harbor and land commissioners. Neither city separately, shall enter upon the construction of said

Materials of
structure.

Bridge to be built by cities jointly.

bridge, but they shall jointly proceed to construct the same in accordance with plans to be submitted to, and approved by, the councils of said cities concurrently, and by the said board of harbor and land commissioners.

Each city may take land within its own limits.

SECT. 3. Each city may, within its own limits, purchase or otherwise take lands, not exceeding one hundred and twenty-five feet in width, for said bridge and avenue; and all the proceedings relating to such taking shall be the same as in the case of land taken for highways within said cities respectively, with like remedies to all parties interested; and betterments may be assessed for the construction of said bridge and avenue in each city in like manner as for the laying out of highways under the betterment acts in force in each city respectively, with like remedies to all parties interested.

Distribution of expense of building.

SECT. 4. Each of said cities shall bear the expense, including land damages, of constructing such part of said bridge and avenue as lies upon its own side of the Charles River; but the expense of constructing so much thereof, including the draw, as shall lie between the harbor lines, shall be borne by both cities in such proportion as may be agreed upon by the two cities. The care and management of said bridge and draw shall be vested in a board of commissioners consisting of one person from each city, chosen in accordance with such ordinances as said cities shall respectively establish, and until such commissioners are chosen the mayors of said cities shall *ex officio* constitute such commissioners.

Commissioners to be appointed.

Expense of keeping in repair.

SECT. 5. Said avenue and bridge when completed shall be a public highway, and the expense of maintaining in repair that part thereof which lies between the harbor lines, and of keeping the draw in repair, and of tending the draw day and night for the passage of vessels, shall be borne equally by the two cities, and all damages recovered by reason of any defect or want of repair in that part of the bridge between the harbor lines, or in the draw, shall be paid equally by said cities.

Avenue may cross railroad at grade.

SECT. 6. Said avenue may cross at grade any railroad operated by steam, and the board of railroad commissioners shall, upon the application of either city or any railroad corporation, prescribe the details of the crossing, and certify to the parties its decision, which decision may be enforced by proper process in equity.

Bonds may be issued by each city.

SECT. 7. Each of said cities may issue bonds in payment in whole or in part of the expense incurred by it under this act. Such bonds may bear interest, payable semi-annually, at a rate not exceeding six per cent. per annum, and shall be payable at such time, not less than ten or more than thirty years from their respective dates, as shall be determined by said cities respectively, and expressed upon the face of the

bonds. Nothing, however, contained herein shall warrant an increase of municipal indebtedness beyond the limitations prescribed by section four of chapter twenty-nine of the Public Statutes.

SECT. 8. This act shall be void unless that portion of the bridge between the harbor lines shall be constructed within ten years from the passage hereof. (April 14, 1882.)

To be constructed within ten years.

AN ACT to establish the third and fourth district courts of Eastern Middlesex and the police courts of Marlborough and Brookline.

Be it enacted, etc., as follows : —

SECTION 1. The city of Cambridge and the towns of Arlington and Belmont shall constitute a judicial district under the jurisdiction of a court to be called the Third District Court of Eastern Middlesex. Said court shall be held in the city of Cambridge, and shall have a clerk.

Third district court of Eastern Middlesex.

SECT. 2. The towns of Woburn, Winchester and Burlington shall constitute a judicial district, to be called the Fourth District Court of Eastern Middlesex. Said court shall be held in the town of Woburn and shall have a clerk.

Fourth district court of Eastern Middlesex.

SECT. 3. The town of Marlborough shall constitute a judicial district under the jurisdiction of a court to be called the Police Court of Marlborough; and said court shall have a clerk.

Police court of Marlborough,

SECT. 4. The town of Brookline shall constitute a judicial district under the jurisdiction of a court to be called the Police Court of Brookline.

Police court of Brookline.

SECT. 5. There shall be one justice and two special justices of each of said courts, and the said justices and the clerks herein provided for shall be appointed in the manner and with the tenure of office respectively provided in the case of justices and clerks of other police and district courts. All provisions of law applicable in common to police and district courts shall be applicable to said courts.

Justices and clerks.

SECT. 6. The justice of the third district court of Eastern Middlesex shall receive from the county of Middlesex an annual salary of twenty-two hundred dollars, and the clerk thereof an annual salary of twelve hundred dollars; the justice of the fourth district court of Eastern Middlesex shall receive from said county an annual salary of twelve hundred dollars, and the clerk thereof an annual salary of six hundred dollars; the justice of the police court of Marlborough shall receive from said county an annual salary of one thousand dollars, and the clerk thereof an annual salary of four hundred dollars; and the justice of the police court of Brookline shall receive from the county of Norfolk an annual salary of eight hundred dollars.

Salaries of justices and clerks.

First sessions
of courts.

SECT. 7. The first session of each of said courts shall be held on the first Monday in July in the year eighteen hundred and eighty-two.

Police courts
of Cambridge
abolished.

SECT. 8. All proceedings which may be pending before the police court of Cambridge on said first Monday in July shall be transferred to and determined by the said third district court of Eastern Middlesex; and said police court of Cambridge shall be abolished from that date, and thereafter all provisions of law relating to said police court shall cease to have effect. Except as above provided, nothing in this act shall affect any suit or other proceeding begun prior to said first Monday in July.

SECT. 9. This act shall take effect upon its passage. (May 18, 1882.)

AN ACT concerning Alewife Brook and certain sewers in Cambridge and Somerville.

Be it enacted, etc., as follows :—

City to
construct an
intercepting
sewer.

SECTION 1. The city of Cambridge shall construct an intercepting sewer of sufficient capacity, and by means thereof shall conduct the sewage of the Concord Avenue, Spruce Street, and North Avenue sewers in said city, and of any sewer at any time discharging into either of said sewers, or into said intercepting sewer (provided, however, this shall not include any other than that within the natural drainage area of Alewife Brook), to some convenient spot upon the poor-farm in said city; shall there construct a storage basin for the temporary deposit of such sewage, and, by means of pumps or otherwise, shall raise such sewage to a sufficient height to discharge the same by means of a connecting sewer, which connecting sewer shall not exceed twelve inches in diameter, at a convenient point in the sewer in Newbury Street, in the city of Somerville; shall construct such connecting sewer, and shall so discharge the said sewage for the term of three years from the first day of September next, the connection with said Somerville sewer to be made on or before said first day of September; Provided, however, that, during repairs upon any Somerville sewer into which the Cambridge sewage shall be so discharged, pumping shall be discontinued, if the city engineer of Somerville shall so request of the city of Cambridge; and also, that, at some point in the intercepting sewer, to be determined by the city engineer of Somerville, there shall be constructed by the city of Cambridge an automatic shut-off so arranged as to cut off the connection of the Cambridge sewers which may empty therein with the Somerville sewers during severe storms and when the Cambridge sewers at

Storage basin
to be
constructed.

Pumping may
be
discontinued
during
repairs.

the shut-off are running more than half full, said shut-off to be built according to a design approved by the city engineer of Somerville, and to be constructed to his satisfaction; but the city of Cambridge may, during any such discontinuance, and during such times as the connection of the Cambridge sewers with the Somerville sewers may be so cut off, discharge its sewage into Alewife Brook; provided, however, that if this method of disposing of said sewage be adjudged impracticable, as hereinafter provided, then the obligation imposed by this section shall be void; and provided, further, that whenever the city of Cambridge shall adopt and carry into active operation any other method of disposing of the sewage of its sewers above named, and sewers at any time discharging therein, than by a discharge into Alewife Brook, the obligation imposed by this section shall be void.

Proviso.

Proviso.

SECT. 2. For the purposes named in the preceding section, the city council of Cambridge shall have the same right to take private land in Somerville as it now has to take land for sewers in Cambridge, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Cambridge, and all persons and corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Cambridge.

City council of Cambridge may take private land in Somerville.

SECT. 3. If at any time after the construction of the works required by the first section hereof, and actual trial thereof, that method of disposing of said sewage be deemed by the State board of health, lunacy, and charity, after such notice and hearing as said board may order, impracticable without great and unreasonable expense, or if by reason of the proceedings under the twelfth section hereof the city of Cambridge is prevented from discharging its sewage into Somerville sewer as aforesaid, then the obligation imposed by the first section hereof shall be void.

If method is deemed impracticable, obligation imposed in first section to be void.

SECT. 4. After the expiration of three years, from the first day of September next, the city of Cambridge may at its option continue or discontinue the works prescribed in the first section hereof; said continuance, however, to be for a term of three years and no more, except with the consent of the city of Somerville, and subject to the same conditions as the original term.

After three years, works may be discontinued.

SECT. 5. So long as the city of Cambridge discharges its sewage into the sewer of Somerville in the manner hereinbefore prescribed, it shall pay annually to the city of Somerville upon the first day of September, the first payment to be made on the first day of September, A. D. eighteen hundred and eighty-five, the sum of three thousand dollars, and in the same ratio for any part of a year, and during the

Annual payments to the city of Somerville.

same period shall dispose of the sewage and storm water of the city of Somerville emptying into any sewer of Cambridge under the provisions of this Act, in the same manner that it disposes of its own sewage and storm water in the same sewer, and without any cost or charge to the city of Somerville.

Description of
territory in
Somerville to
be drained.
Territory to
be drained.

SECT. 6. The city of Somerville, for the purposes of draining the following-described territory situated in Somerville, namely: commencing at a point on the boundary line between Cambridge and Somerville, distant one hundred and sixty-eight feet south-easterly from a stone bound marking said boundary line, and numbered twenty-two; thence running south-eastwardly by said boundary line to the south-easterly line of Meacham Street; thence turning and running north-eastwardly by said south-easterly line of Meacham Street to the Middlesex Central Railroad; thence continuing in the same direction and crossing said railroad to a point one hundred feet south-westerly from the south-westerly line of Holland Street; thence turning and running north-westwardly by a line parallel with said south-westerly line of Holland Street and one hundred feet distant therefrom, to the south-easterly line of Elmwood Street; thence turning and running south-westwardly by said south-easterly line of Elmwood Street to a point in line with the prolongation of the south-westerly line of Mead Street; thence turning and running north-westwardly by said south-westerly line of Mead Street prolonged, crossing Elmwood Street and Cameron Avenue, and by the said south-westerly line of Mead Street to the north-westerly line of Moore Street; thence in the same direction crossing Newbury Street and Clarendon Avenue to the land owned by the city of Cambridge; thence south-westwardly by said land of the city of Cambridge, to the point of beginning,— may connect any sewer upon such territory with any sewer in Cambridge; and for that purpose the city council of Somerville shall have the same right to take private land in Cambridge as it now has to take land for sewers in Somerville, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Somerville, and all persons or corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Somerville.

City council of
Somerville
may take
private land in
Cambridge.

May dig up
streets, etc.

SECT. 7. Each of said cities, may, for the purposes of this Act, carry its pipes and drains under any street, railroad, highway, or other way, in such a manner as not unnecessarily to obstruct the same, and may enter upon and dig up such street, railroad, highway, or other way, for the purpose of laying, maintaining, and repairing any such pipes and drains, and may do any other things necessary or proper in executing

the purposes of this Act; but whenever either of said cities enters upon or digs up for such purposes any road, street, or way which is outside its own territorial limits, it shall be subject to such reasonable regulations as may be prescribed by the mayor and aldermen of the city wherein such street or way may be located, and shall restore said road, street, or way to as good order and condition as it was in before such digging was commenced, shall perform the work in such manner and with such care as not to render any road, street, or way in which such pipes are laid unsafe or unnecessarily inconvenient to the public travel thereon, and shall at all times indemnify and save harmless any city which is liable to keep in repair any road, street, or way aforesaid, against all damages which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur by reason of any defect or want of repair in such road, street, or way caused by the maintenance, repair, or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in any such pipes; provided, that such city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof. Either city shall have the right to use without compensation any sewer built under this Act within its own territorial limits.

Regulations to be prescribed by the mayor and aldermen.

Liability for damages.

Proviso.

SECT. 8. Whenever the city of Cambridge lawfully ceases to discharge sewage into the sewer of the city of Somerville in the manner prescribed by the first section hereof, the city of Somerville shall cease to discharge its sewers into the sewers of the city of Cambridge, as provided in the sixth section hereof.

When discharge of sewage shall cease.

SECT. 9. No person or corporation, public or private, shall, after the first day of September next, discharge or cause to be discharged, either directly or indirectly, into Alewife Brook any drainage, refuse, or polluting matter of such quality and quantity as either by itself or in connection with other matter shall corrupt the waters of said brook, or tend to make the brook a nuisance deleterious to public health; provided, however, that this prohibition shall not extend to the sewage from the sewers named in the first section hereof, nor to sewage from lands now emptying sewage into said brook, in case the method therein prescribed for disposing of the same be deemed impracticable as aforesaid by the State board of health, lunacy, and charity; but this proviso shall not be construed to give to the city of Cambridge, or any persons or corporations, any right in addition to what it has at the date of its passage of this Act, if any, to drain into said brook.

Drainage not to be discharged into Alewife Brook.

SECT. 10. Nothing herein contained shall be construed to prevent the city of Cambridge from discharging the storm

Discharge of storm water.

water of its sewers, including those named in the first section hereof, into said brook, nor to destroy or impair prescriptive rights of drainage or discharge, if any, to the extent in which they lawfully exist at the date of the passage of this Act; and nothing in this Act contained shall be construed to authorize the pollution of the waters of said brook in any manner now contrary to law.

Lands in Cambridge draining into Alewife Brook may be allowed to drain into sewers in Cambridge.

SECT. 11. The mayor and aldermen of Cambridge may permit any persons owning lands in Cambridge, now draining into Alewife Brook, to drain such lands or any part thereof into either of the sewers in Cambridge named in the first section hereof, upon such terms and conditions as they may prescribe. If within fourteen days after application to them they do not grant to any such person permission thus to drain, or if such person be dissatisfied with the terms and conditions prescribed by the mayor and aldermen, he may appeal to the State board of health, lunacy, and charity, which board, after such notice as it may order, and a hearing, shall decide whether such person may enter either of the sewers; and what sum either in gross or at stated periods he shall pay to Cambridge therefor, and what other terms and conditions, if any, shall be imposed on account of such entry, which decision shall be final and binding upon all parties, one half of said sum to be paid to the city of Somerville.

If discharge of Cambridge sewage through Somerville sewer is detrimental to health, commission may be appointed.

SECT. 12. If at any time after the expiration of two years from the first day of September next, the mayor and aldermen of Somerville shall be of the opinion that the operation of the works, or the discharge and the flowage of the Cambridge sewage into and through the sewer of the city of Somerville, as provided for by this Act, is detrimental to the health of the inhabitants of said city of Somerville, or any number thereof, said mayor and aldermen may apply to any justice of the supreme judicial court, in vacation or at any regular term thereof in any county, who shall forthwith, and after such notice as said court or any justice thereof may deem proper, appoint three capable and disinterested persons to sit as a commission of inquiry, whose duty it shall be to hear any evidence that may be produced before them touching the effect of the operation, discharge and flowage aforesaid upon the health of the inhabitants of said city of Somerville or any part thereof; said commission prior to such hearing shall order such public notice thereof as may seem proper to them, and if they are of the opinion that the works provided for in section one of this Act cannot be longer operated, or the sewage therein provided for longer discharged into and conveyed through the sewers of said city of Somerville, without detriment as aforesaid to the public health, they shall report accordingly to said court,

Commission to report to the court.

and said court shall accept, re-commit, or reject said report, or enter such order, decree, or judgment in the premises as may seem just and proper.

SECT. 13. Whenever a violation of any of the provisions of this Act affecting the public health or the water supply of any city is committed, the State board of health, lunacy, and charity may, if in its judgment the public health requires, order any person or corporation, public or private, to cease and desist from such violation and to remedy the pollution, or to cleanse or purify the polluting substances in such a manner, and to such a degree, that they shall be no longer deleterious to the public health, before being cast or allowed to flow into said brook; provided, that before making such order the said board shall assign a time and place for hearing all parties interested, and shall give such parties an opportunity of being heard, and the orders hereinbefore provided for shall not be issued until after such notice and hearing: and provided, also, that upon the application of any city to said board alleging the violation of any of the provisions of this Act, and the pollution of its water supply thereby, said board shall grant a hearing, upon due notification to all parties interested, and upon proof of such violation shall issue the order or orders already mentioned in this Act.

State board of health may order persons, etc., to desist from acts affecting public health, etc.

Parties to have a hearing.

Proviso.

SECT. 14. The supreme judicial court, or any one of its justices, in term time or vacation, shall have power to issue an injunction to enforce any order referred to in this act.

Injunction may be issued by S. J. C.

SECT. 15. Every such order of the board of health, lunacy, and charity shall be made in writing, and served by any person competent to serve a notice in a civil suit, personally, upon the person found guilty of violation as aforesaid, or his authorized agent, or a copy of the order may be left at the last and usual place of abode of such person or his agent if he has any such place of abode within the State known to the officer. If the residence of the owner or agent is unknown to the officer, or without the State, the order may be served by publication in one or more newspapers in such manner and for such time as said board may order. Any party aggrieved by any such order shall have the right of appeal to a jury, and be subject to sections eighty-eight and ninety of chapter eighty of the Public Statutes; during the pendency of the appeal, the pollution against which the order has issued, shall not be continued contrary to the order, and upon any violation of the same the appeal shall be forthwith dismissed.

Order to be made in writing.

Service of order.

Right of appeal to a jury.

SECT. 16. Nothing hereinbefore contained shall be construed to exclude the jurisdiction of the supreme judicial court sitting in equity according to the usual course and practice of such court.

Jurisdiction of S. J. C. in equity.

SECT. 17. This Act shall take effect upon its passage, but shall become void unless accepted by the city council of

Subject to acceptance within 30 days.

each of said cities within thirty days thereafter. (April 29, 1884.) (Rejected by city of Somerville, May 28, 1884.)

AN ACT to provide a further supply of water to the city of Cambridge.

Be it enacted, etc., as follows:—

May take
waters of
Stony Brook
in Waltham
and Weston.

May take
land, rights of
way, etc.

Water to be
reserved for
Weston.

Water to be
reserved for
Waltham.

Proviso.

Dam to be
commenced
within one
year and
completed
within three
years.

To cause to be
recorded in
the registry of
deeds a
description of
the property
taken.

SECTION 1. The city of Cambridge, for the purpose of supplying said city and the inhabitants thereof with pure water, for the extinguishment of fires, and for domestic and other purposes, may take, hold, and convey into and through said city either by the way of Fresh Pond or otherwise, the waters of Stony Brook, in the towns of Waltham and Weston, and of the tributaries thereof, with any water rights connected therewith, and may also take and hold by purchase or otherwise any land rights of way, easements, and real estate necessary for laying, constructing and maintaining aqueducts, water courses, reservoirs, storage basins, dams, and such other works as may be deemed necessary or proper for collecting, purifying, storing, or retaining, discharging, conducting, and distributing said waters. Provided, however, that there shall be reserved from said waters sufficient for the town of Weston to supply itself and its inhabitants with pure water, for the extinguishment of fires and for domestic and other purposes; and provided, further, that there shall also be reserved from said waters sufficient for the town of Waltham to supply itself and its inhabitants with pure water for like purposes, whenever the legislature shall grant to said towns the right to take water from the Stony Brook or its tributaries. But until the water thus to be reserved is actually diverted under any such legislative grant, Cambridge shall have the right to same, and in any case to so much as is not thus diverted, in the same manner as though these respective reservations had not been made; and provided, that Cambridge shall not draw any water from said reservoir or storage basin for its own use, or for the use of any other town or city except when the water is running to waste over the dam, without the consent of Waltham and Weston; and said dam shall be built and maintained by the city of Cambridge at an elevation of twenty feet above the top of the present dam on Stony Brook at Roberts' Mills, and the construction of said dam shall be commenced within one year, and completed within three years from the passage of this Act.

SECT. 2. Said city shall, within sixty days after taking any lands, rights of way, water rights, water sources or easements aforesaid, otherwise than by purchase, for the purposes of this Act, file and cause to be recorded in the registry of

deeds for the county and district in which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor.

SECT. 3. Said city, for the purposes aforesaid, may construct aqueducts and maintain the same; may construct and maintain dams, reservoirs, storage basins, and other proper works; may erect buildings and machinery; may make and establish such public fountains and hydrants as may, from time to time, be deemed proper, and may change or discontinue the same; may regulate the use of water, and establish the price or rates to be paid therefor, and to collect the same by process of law. Said city may also, for the purposes aforesaid, carry any pipe, drain, or aqueduct over or under any river, water course, street, railroad, public way, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up such road, street, or way, for the purpose of laying down, maintaining or repairing any pipe, drain, or aqueduct, and may do any other things necessary and proper in executing the purposes of this Act.

May construct
aqueducts and
dams.

May dig up
roads and
ways.

SECT. 4. If said city enters upon and digs up, for the purposes aforesaid, or by reason of anything authorized by this Act, injures any road, street, or way which is outside the limits of said city, it shall be subject to such reasonable regulations as may be prescribed by the selectmen of the town, or the mayor and the aldermen of the city, in which such road, street, or way is located, and shall restore the same to as good order and condition as it was in when such digging commenced, or before such injury occurred; and the work shall be done and all repairs be made in such manner and with such care as not to render any road, street, or way in which such pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall, at all times, indemnify and save harmless any such city or town which is liable to keep in repair any road, street, or way aforesaid, against all damages and costs which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur in the defence of suits or otherwise by reason of any defect or want of repair in such road, street, or way, caused by the placing, maintenance, or repairing, replacing of said pipes, or by reason of any injury to persons or property, caused by any defect or want of repair in any such pipes; provided, that said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

Roads outside
of the city to
be restored
to good order
and condition

SECT. 5. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of,

Liability for
damages.

or injury to any of their land, water, water rights, rights of way, easements, or property, or by the constructing or repairing of any aqueduct, reservoir, or other works, for the purposes aforesaid. If any person, sustaining damage as aforesaid, does not agree with said city upon the amount of said damage, he may, within three years from such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the said city, returnable, if issued in vacation, at the next term of the court to be held after the expiration of fourteen days from the filing of the petition; and if in term time returnable on such day as the court shall order, to appear, and answer to the petition. The summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof and of the petition, certified by the officer who serves the same, with the clerk of said city; and the court may, upon default or hearing of said city, appoint three disinterested persons who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the persons so appointed, or a major part of them, being returned into and accepted by the court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party with costs, unless one of the parties claims a trial by jury as hereinafter provided.

Award to be final.

Trial by a jury.

SECT. 6. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of the jury being accepted and recorded by the court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Verdict to be final.

Application for damages not to be made until water is actually withdrawn.

SECT. 7. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this Act.

Tender for damages.

SECT. 8. In every case of a petition to the superior court for an assessment of damages, as provided in this Act, the

city may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted, and that damages may be awarded against it for the sum therein expressed, and if the complainant does not accept the sum, with his costs up to that time, but proceeds in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court, or offer of award, and not afterwards, unless the complainant recovers greater damages than were so offered.

SECT. 9. In estimating the damages for anything taken under this Act, the city of Cambridge shall be held to pay as if there were no reservation in the first section hereof, in favor of Weston and Waltham, and if the town of Waltham shall ever take any part of the water reserved for it in the first section hereof, it shall pay to Cambridge a fair proportion of the damages paid by Cambridge for water and water rights taken, and if Waltham takes from any reservoir or pipes constructed by Cambridge, under the authority of this Act or any Act in amendment hereof it shall pay to Cambridge a fair proportion of the cost to Cambridge, excluding interest, of the works connected with said reservoir or pipes. If Cambridge and Waltham cannot agree as to the sums to be paid, either party may apply to the superior court, in the county of Middlesex, and the court upon such notice to the other party as it may order, shall appoint three commissioners, who shall, after reasonable notice fix the amount to be paid, and the award of them or a major part of them being returned into, and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon, and the court may award costs to either party as may seem to the court just and equitable, and execution shall issue therefor.

Cambridge held to pay damages.

Waltham to pay a fair proportion.

If Cambridge and Waltham cannot agree, either may apply to the S. Court.

SECT. 10. All the rights, powers, and authority given to the city of Cambridge by this Act shall be exercised by said city, subject to all duties, liabilities, and restrictions herein contained, in such manner and by such agents, officers, and servants as the city council shall, from time to time, ordain, direct, and appoint.

Rights and liabilities.

SECT. 11. For the purpose of defraying the cost of such franchises, property, lands, easements, water, and water rights as may be purchased, taken, or held for the purposes aforesaid, and of constructing the works authorized by this Act, and paying all expenses incident thereto, the city council of Cambridge shall have the authority to issue, in addition to what it is already authorized by law to issue, scrip or bonds to be denominated on the face thereof "Cambridge Water Loan," to an amount not exceeding five

Additional water loan for Cambridge, not to exceed \$500,000.

hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be paid at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than par value thereof. The provisions of section eight of chapter one hundred and fifty-three, of the Acts of the year eighteen hundred and sixty-five, and of section two of chapter one hundred and forty-five, of the Acts of the year eighteen hundred and seventy-five, in regard to establishing and maintaining a sinking fund for the redemption of the "Cambridge Water Loan," shall apply to this Act, and said sinking fund shall remain sacred and inviolate, and pledged to the payment and redemption of said debt and shall be used for no other purpose. The provisions of the tenth and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to said sinking fund.

Sinking fund.

SECT. 12. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable if, on being notified of such use, he does not object to the same.

Liability for rent, for use of water

SECT. 13. All acts and measures necessary to preserve and maintain the purity and to prevent the pollution of the waters of said Stony Brook shall be performed, and the expense and damages thereof paid by the city of Cambridge.

Expense to be paid by Cambridge.

SECT. 14. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this Act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery, or other works or property, held, owned, or used by said city under the authority and for the purpose of this Act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year in the house of correction in said county of Middlesex.

Penalty for diverting or corrupting water.

SECT. 15. Nothing contained in this Act shall be so construed as to prevent the inhabitants of the towns of Weston and Waltham from taking from said brook, or its tributaries, so much of the water as shall be necessary for extinguishing fires, and for all domestic and other purposes.

Weston and Waltham not prevented from taking water from brook.

SECT. 16. The city of Cambridge is hereby authorized, if said city shall deem it expedient to do so, to supply the towns of Belmont and Watertown, or either of them, with

Cambridge may supply Belmont and Watertown with water.

pure water in such quantities, under such conditions, and upon such terms as may be agreed upon between said city of Cambridge and said towns, or either of them.

SECT. 17. This Act shall take effect upon its passage; but shall become void unless it is accepted by the city council of Cambridge within three months from its passage, and unless work is commenced under it within one year from its passage. (May 21, 1884.)

Accepted June 25, 1884 (City Records, Vol. W, Page 192).

To be accepted within three months, and work commenced within one year.

AN ACT to provide a further supply of water for the town of Waltham.

Be it enacted, &c., as follows:—

SECTION 1. The town of Waltham, for the purpose of supplying said town, and the inhabitants thereof, with pure water for the extinguishing of fires, and for domestic and other purposes, may take, hold, and convey into and through said town the waters of Stony Brook in the towns of Waltham and Weston, and of the tributaries thereof, and any water rights connected therewith, and may also take and hold by purchase, or otherwise, any land, rights of way, easements, and real estate, necessary for laying, constructing, and maintaining aqueducts, water courses, reservoirs, storage basins, dams, and such other works as may be deemed necessary or proper for collecting, purifying, storing, retaining, discharging, conducting, and distributing said waters.

Waltham may take waters of Stony Brook in Waltham and Weston.

SECT. 2. Said town shall, within sixty days after taking any lands, rights of way, water rights, water sources, or easements aforesaid otherwise than by purchase, for the purpose of this Act, file and cause to be recorded in the registry of deeds for the county and district in which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the water commissioners of the town.

To cause to be recorded in registry of deeds a description of land, etc., taken.

SECT. 3. Said town, for the purposes aforesaid, may construct aqueducts and maintain the same; may construct and maintain dams, reservoirs, storage basins, and other proper works; may erect buildings and machinery; may make and establish such public fountains and hydrants, as may, from time to time, be deemed proper, and may change or discontinue the same; may regulate the use of water, and establish the price or rates to be paid therefor, and collect the same by process of law. Said town may also, for the purposes aforesaid, carry any pipe, drain, or aqueduct over or under any river, water course, street railroad, public way, highway, or other way, in such manner as not unnecessarily

May construct and maintain dams and reservoirs.

May regulate use of water and establish water rates.

May dig up
roads and
ways.

to obstruct the same, and may enter upon, and dig up such road, street, or way, for the purpose of laying down, maintaining, or repairing any pipe, drain, aqueduct, and may do any other things necessary and proper in executing the purposes of this Act.

Subject to
regulations by
selectmen of
town where
roads are
located.

SECT. 4. If said town enters upon and digs up for the purposes aforesaid, or by reason of anything authorized by this Act, injures any road, street, or way, which is outside the limits of said town, it shall be subject to such reasonable regulations as may be prescribed by the selectmen of the town, or the mayor and aldermen of the city, in which such road, street, or way is located, and shall restore the same to as good order and condition as it was in when such digging commenced, or before such injury occurred; and the work shall be done, and all repairs be made in such manner, and with such care as not to render any road, street, or way, in which such pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said town shall at all times indemnify, and save harmless any such city or town which is liable to keep in repair any road, street, or way aforesaid, against all damages and costs which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur in the defence of suits, or otherwise, by reason of any defect or want of repair in such road, street, or way caused by the placing, maintenance, repairing, or replacing of said pipes, or by reason of any injury to persons or property, caused by any defect or want of repair in any such pipes; provided, that said town has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

Towns to in-
demnify other
places against
damages.

Proviso.

Damages for
taking land,
etc.

If parties fail
to agree,
application
may be made
to superior
court.

SECT. 5. Said town shall be liable to pay all damages sustained by any persons or corporation by the taking of, or injury to, any of their land, water, water rights, rights of way, easements, or property, or by the constructing, or repairing of any aqueduct, reservoir, or other works, for the purposes aforesaid. If any person sustaining damage as aforesaid, does not agree with said town upon the amount of said damage, he may within three years of such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the said town, returnable, if issued in vacation, at the next term of the court, to be held after the expiration of fourteen days from the filing of the petition; and, if in term time, returnable on such day as the court shall order, to appear and answer to the petition. The summons shall be served fourteen days at least before the term or day at which it is

returnable, by leaving a copy thereof and of the petition, certified by the officer who serves the same, with the clerk of said town, and the court may, upon default or hearing of said town, appoint three disinterested persons who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the persons so appointed, or a major part of them, being returned into and accepted by the court, shall be final, and judgment shall be rendered, and execution issued thereon, for the prevailing party with costs, unless one of the parties claims a trial by jury as hereinafter provided.

Assessment of damages.

SECT. 6. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of the jury, being accepted and recorded by the court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Parties dissatisfied may claim a trial by jury.

Verdict to be final.

SECT. 7. No application shall be made to the court for the assessment of damages, for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this Act.

Damages not to be applied for, until water is diverted.

SECT. 8. In every case of a petition to the superior court, for an assessment of damages, as provided in this Act, the town may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition, or may in writing, offer to be defaulted, and that damages may be awarded against it for the sum therein expressed, and if the complainant does not accept the sum with his costs up to that time, but proceeds in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court, or offer of award, and not afterwards, unless the complainant recovers greater damages than were so offered.

Tender for damages.

SECT. 9. The town of Waltham shall not proceed nor take anything under this Act by purchase, or otherwise, until after the expiration of one year from its passage, nor shall this Act authorize said town to take any lands, rights of way, or easements which at the expiration of said year may then have been taken by purchase, or otherwise, by the city of Cambridge, under any authority now or hereafter granted to said Cambridge, to take the waters of Stony Brook and its

Town not to proceed or take anything under this Act until after one year.

Provisos.

tributaries, nor to interfere with any aqueduct, reservoir, storage basin, dam, or other work which may hereafter be constructed or in process of construction by said Cambridge, under such grant, provided, however, that Cambridge shall, if Waltham so elects, supply to Waltham from any such reservoir or storage basin, or by agreement from any pipe, the said water from Stony Brook, or such part thereof as Waltham may desire, the same to be taken at the reservoir or pipe, and Waltham shall have the right to lay and maintain a pipe to such reservoir or pipe; and provided, that Cambridge shall not draw any water from said reservoir or storage basin, for its own use or for the use of any other city or town except when the water is running to waste over the dam, without the consent of Waltham and Weston, and said dam shall be built and maintained by the city of Cambridge, at an elevation of twenty feet above the top of the present dam on Stony Brook at Roberts' mills.

**Payments for
damages
between
Cambridge
and Waltham.**

SECT. 10. If at the time, Waltham, under this Act, takes from the waters of Stony Brook or its tributaries, the city of Cambridge, under any of the Acts of the year eighteen hundred and eighty-four, shall have taken the waters of Stony Brook and its tributaries, Waltham shall pay to Cambridge a fair proportion of the damages paid by the city of Cambridge, or for which said city may be liable by reason of any waters and water rights so taken by Cambridge, and if Waltham takes from any reservoir or pipes constructed by Cambridge, under the authority of the Acts of the year eighteen hundred and eighty-four, or any Act in amendment thereof, it shall pay to Cambridge a fair proportion of the cost to Cambridge, excluding interest, of the works connected with said reservoir or pipe. If Cambridge and Waltham cannot agree as to the sums to be paid, either party may apply to the superior court, in the county of Middlesex, and the court upon such notice to the other party as it may order, shall appoint three commissioners, who shall, after reasonable notice, fix the amount to be paid, and their award or the award of the major part of them being returned into, and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon, and the court may award costs to either party as may seem to the court just and equitable, and execution shall issue therefor.

**If Cambridge
and Waltham
fail to agree,
commissioners
to be
appointed to
fix the amount
to be paid.**

**Water
commissioners
to direct the
performance
of the work.**

SECT. 11. The water commissioners of said town, elected under the provisions of the three hundred and thirty-seventh chapter, of the Acts of the year eighteen hundred and seventy-two, shall execute, superintend, and direct the performance of all the works, matters, and things mentioned in this Act, and exercise all the rights, powers, and privileges hereby granted and not otherwise specifically provided for herein, subject to the vote of the town. The town of

Waltham is authorized, if said town shall deem it expedient so to do, to supply the town of Weston with water from her present source of water supply, or from Stony Brook from the waters therein reserved for the use of the towns of Waltham and Weston.

SECT. 12. Nothing in this Act contained shall be so construed as to prevent the town of Weston, or any corporation created to supply said town with water, from taking so much of the waters of Stony Brook and its tributaries as may be necessary to supply the town of Weston and its inhabitants with water to extinguish fires, generate steam, for public fountains and hydrants, and for domestic and other uses; Provided, that if said town or corporation shall take the same from any reservoir or reservoirs which may be constructed or maintained under the provisions of this Act, or any Act in amendment hereof, it shall, from time to time, pay to Waltham a fair proportion of the cost to Waltham, excluding interest, of constructing such reservoirs, but including therein the damages and costs paid by Waltham for land, water rights, and easements purchased and taken therefor, or for the purposes of securing a sufficient supply of water, and preserving the purity thereof; and so long as it shall take water from any of such reservoirs it shall annually pay to Waltham a fair proportion of the expenses which that town shall reasonably incur in the maintenance of said reservoirs, and in securing and preserving the purity of the waters thereof. If Waltham and Weston, or such corporation, cannot agree as to the sums to be paid, either party may apply to the superior court in the county of Middlesex, and the court upon such notice to the other party as it may order, shall appoint three commissioners, who shall, after reasonable notice, fix the amount to be paid, and whose award, or the award of major part of whom, being returned into, and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon, and the court may award costs to either party as may seem to the court just and reasonable, and execution shall issue therefor.

Town of Weston not to be prevented from having a supply of water.

Proviso.

If Waltham and Weston fail to agree, commissioners to be appointed.

SECT. 13. The said town of Waltham, may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this Act, issue from time to time coupon bonds, signed by the treasurer and countersigned by the selectmen of said town, to be denominated "Waltham Water Bonds," to an amount not exceeding one hundred thousand dollars, payable at periods, not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per cent. per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this Act, upon such terms and conditions as it may deem proper.

Waltham water bonds not to exceed \$100,000.

Provisions of
1872, chapter 8
to 12, to apply.

Subject to
acceptance
by the town
within one
year.

SECT. 14. The eighth, ninth, tenth, eleventh and twelfth sections of the three hundred and thirty-seventh chapter of the Acts of the year eighteen hundred and seventy-two shall except as herein otherwise provided, apply to this Act.

SECT. 15. This Act shall take effect upon its passage; but shall become void unless accepted by a majority of the legal voters of said town present and voting thereon at a legal meeting held for the purpose within one year from the passage hereof. (May 21, 1884.)

AN ACT to annex part of the town of Watertown to the city of Cambridge.

Be it enacted, etc., as follows : —

Part of
Watertown
annexed to
Cambridge.

SECTION 1. All that part of the town of Watertown contained within the line described as follows: Beginning at the intersection of the westerly line of Coolidge Avenue with the present boundary line between the town of Watertown and the city of Cambridge, thence running on said line of said avenue in a general south-westerly direction three thousand and fifty-four feet as measured on said line of said avenue, thence turning, crossing said avenue and running southerly bounded westerly by land of William W. Treat, to the middle of the channel of Charles River five hundred feet, more or less, thence turning and running easterly by the middle of said channel about fourteen hundred and fifty feet to the boundary line between said Watertown and said Cambridge, thence turning and running on said last-named boundary line in an irregular line in a general northerly direction to the point of beginning, — with all the inhabitants and estates therein, is hereby set off from the town of Watertown and annexed to the city of Cambridge, and until a new division of wards in the city of Cambridge shall be and constitute a part of the first ward thereof.

Election of
state and
county
officers, rep-
resentatives,
etc.

SECT. 2. The inhabitants of the territory hereby set off, shall continue to be a part of Watertown for the purpose of electing State and county officers, members of the executive council, senators and representatives to the general court, electors of president and vice-president of the United States, and representatives to Congress, until the next decennial census, or until another apportionment is made; and the mayor and aldermen of Cambridge shall make a true list of the persons residing in said district, qualified to vote in such elections, post up the same in said territory, correct the same as is required by law, and deliver the same to the selectmen of the town of Watertown seven days at least before any such election, and the same shall be used by the selectmen

of Watertown for such election in the same manner as if it had been prepared by the said selectmen.

SECT. 3. The power to alter, straighten, widen, and repair, and grade the county and townways in the territory hereby annexed shall be vested in the city council of Cambridge.

County and town ways.

SECT. 4. The city of Cambridge shall, within thirty days from the passage of this Act, pay to the town of Watertown the sum of fifteen thousand dollars.

Cambridge to pay Watertown 15,000.

SECT. 5. For the purpose of raising the sum to be paid under the preceding section, and of defraying the cost of the purchase of the territory hereby annexed, or any portion thereof, from the owners, and the expense of preparing the said territory for burial purposes, the city of Cambridge is hereby authorized to issue negotiable bonds to be denominated on the face thereof "Cambridge Cemetery Loan," to be signed by the treasurer, and counter-signed by the mayor of said city, to an amount not exceeding seventy thousand dollars, bearing interest, not exceeding six per cent. per annum, payable semi-annually, the principal to be paid at periods not more than twenty years from the respective issues of said bonds. The said city may sell such bonds, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the above purposes, but the same shall not be sold or pledged for less than the par value thereof. The said city shall provide, at the time of contracting said loan, for the establishment of a sinking fund for the redemption of said bonds at maturity, and the provisions of the ninth, tenth, and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as the same are applicable, apply to said fund.

"Cambridge Cemetery Loan" not to exceed 70,000

Sinking fund to be established.

SECT. 6. The said city instead of establishing a sinking fund, may, at the time of authorizing said loan, by concurrent vote of both branches of the city council, provide for the payment thereof in such annual proportionate payments, beginning with the year eighteen hundred and eighty-six, as will extinguish the same within the time prescribed in this Act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said city in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May pay debt in annual proportionate payments.

SECT. 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this Act, and, if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised, and applied thereunder for the current year.

The return to state whether action has been taken under preceding section.

SECT. 8. This Act shall take effect upon its passage.
(March 10, 1885.)

AN ACT to amend an Act to authorize the cities of Boston and Cambridge to construct and maintain a bridge over Charles River.

Be it enacted, etc., as follows:—

Draw to
conform in
width, to
draws, in
bridges below.

SECTION 1. The first section of the one hundred and fifty-fifth chapter of the Acts of the year eighteen hundred and eighty-two, entitled "An Act to authorize the cities of Boston and Cambridge to construct and maintain a bridge over Charles River," is amended so as to require that said bridge shall have a draw, with a clear opening, of, at least, thirty-six feet in width for the passage of vessels, and shall not be required to have a draw of greater width, until the several bridges over Charles River below said bridge are required to have draws of a greater clear opening than thirty-six feet, when the draw in said bridge shall be widened so as to conform thereto. (April 3, 1885.)

AN ACT to provide for licensing conductors, drivers, and despatchers of street railway cars in the city of Cambridge.

Be it enacted, etc., as follows:—

Conductors,
drivers, etc.,
of horse-cars
in Cambridge
may be
licensed.

SECTION 1. The board of aldermen and mayor of Cambridge shall, upon the recommendation of the president of any street railway corporation using the streets of said city, issue licenses, from time to time, to the conductors and drivers of the street cars of the said several street railway corporations, and also to the persons employed to start or despatch the cars of said corporations from any stable, or other place within said city, and said board may at any time revoke any such license for any cause deemed by it sufficient, with or without a hearing. Every license shall contain such provisions and conditions as said board shall determine, and shall remain in force until surrendered or revoked. The fee for each license shall not exceed fifteen cents.

Fee for
license.

Record to be
kept at office
of city clerk.

SECT. 2. A record of the issue, surrender, and revocation of such licenses shall be kept at the office of the city clerk of said city, and shall be open at all reasonable times to the inspection of the president or superintendent of any street railway using the streets of said city as aforesaid. Whenever a license is revoked notice thereof shall be sent to the

presidents or superintendents of said street railways and to the licensee.

SECT. 3. Whoever drives any horse attached to any street-car in any street in said city, except at a stable of said corporations, or shall act in the capacity of conductor, starter, or despatcher at any place within said city, without being licensed therefor as hereinbefore provided, or in violation of the provisions or conditions of his license, or after the same is revoked, shall be punished by a fine not exceeding twenty dollars for each offence.

Penalty for acting without license.

SECT. 4. No person whose license is revoked under this Act, shall be reinstated or receive a new license within one year from such revocation. (March 29, 1886.)

If license is revoked not to be reissued within one year.

AN ACT concerning the election of assessors in the city of Cambridge.

Be it enacted, etc., as follows:—

SECTION 1. The city council of Cambridge, shall, prior to the first day of June, in the current year, in joint convention, elect one person, who shall, until the first Monday in January next, with the present board of assessors of said city now in office, be and act as an assessor of said city; and said city council shall, before the first day of October in the current year, divide said city into four assessors' districts and determine the boundaries thereof, within each of which districts one of the assessors of said city shall reside. The present assessors shall continue in office until the expiration of their respective terms and until their successors are duly chosen and qualified.

An assessor to be elected, and city to be divided into four assessors' districts.

SECT. 2. The qualified voters of said city, at their annual meeting for the election of municipal officers first to be held after the passage of this Act, shall elect one assessor who shall hold the office for three years or until another is chosen and qualified in his stead; and one assessor who shall hold the office for four years and until another is chosen and qualified in his stead; and at every subsequent election one person shall be chosen to be an assessor for four years and until another is chosen and qualified in his stead; and the present assessors, together with the persons thus chosen assessors, shall during their terms constitute the board of assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors of towns.

Assessors to be elected for four years.

SECT. 3. The boundaries of the several assessors' districts, after the same are established as provided in section one, shall continue the same until the month of October

Boundaries of districts to be revised every tenth year.

in the year one thousand eight hundred and ninety-six, at which time, and every tenth year thereafter, the city council shall revise the boundaries of said districts.

Assessors unfit to discharge duties may be removed.

SECT. 4. The mayor, with the assent of the board of aldermen, may at any time remove any member of the board of assessors who by sickness or otherwise, in his opinion, has become unfit to discharge the duties of his office; in case of such removal, a successor shall be chosen, by the city council in joint convention, to hold office till the next city election at which election such vacancy shall be filled in the manner now provided by law.

Repeal.

SECT. 5. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Subject to acceptance by concurrent vote within 60 days.

SECT. 6. This Act shall take effect upon its acceptance by the city council of the city of Cambridge by concurrent vote, provided the same shall be accepted within sixty days from the date of its passage. (May 6, 1886.) (Rejected, May 26, 1886.)

AN ACT extending the time in which the city of Cambridge shall make a revision of its ward boundaries, and in apportionment of members of its common council in the year eighteen hundred and eighty-six.

Be it enacted, etc., as follows:—

Time extended for revision of ward boundaries.

SECTION 1. The limit of time granted the city council of Cambridge in which to make a revision of its ward boundaries and apportionment of members of its common council in the year eighteen hundred and eighty-six is hereby extended to the twenty-sixth day of May in the year eighteen hundred and eighty-six.

SECT. 2. This Act shall take effect upon its passage. (May 14, 1886.)

AN ACT to authorize the repayment of a certain sum of money by the city of Cambridge to the Fitchburg Railroad Company.

Be it enacted, etc., as follows:—

City of Cambridge to pay back certain money to Fitchburg R.R. Co.

SECTION 1. The city of Cambridge is hereby authorized to pay back to the Fitchburg Railroad Company the sum of seven hundred and sixty-five dollars, with legal interest thereon, from the eighth day of March in the year eighteen hundred and seventy to date of repayment, and such further sum as shall compensate the Fitchburg Railroad Company for all loss, damage, and expense incurred by said company by reason of the non-compliance of said city with the

provisions of an order passed by the city, council of said city, dated the ninth day of December, in the year eighteen hundred and sixty-eight, relating to the bridge over the Fitchburg Railroad on North Avenue in said city; said sum having been paid and received, and said order passed, and all Acts under it performed without any legal authority therefor.

SECT. 2. This Act shall take effect upon its passage. (June 21, 1886.)

AN ACT to authorize the city of Cambridge to construct and maintain a dam across the entrance to Black's Nook in Fresh Pond.

Be it enacted, etc., as follows:—

SECTION 1. The city of Cambridge is hereby authorized to construct and maintain a dam in Fresh Pond across the entrance to Black's Nook, so called, for the purpose of preserving the purity of the water in said pond, and said city shall be liable for all damages sustained by any person by the construction and maintenance of said dam or by any injury caused thereby to any lands, waters, easements, or other property or rights of such person, and for all damages sustained by any riparian proprietor whose access to said pond is obstructed or interrupted by such construction and maintenance; provided, said dam is constructed otherwise than with a suitable sluiceway and gates for floating ice through the same. If any person sustaining damages as aforesaid cannot agree with said city upon the amount thereof, either party, may, within three years after the construction of said dam, apply to the superior court for an assessment of said damages, and the same shall be assessed and the same proceedings shall be followed, as provided in sections five and six of chapter two hundred fifty-six of the Acts of the year eighteen hundred eighty-four, so far as the same may be applicable thereto.

City of Cambridge may construct and maintain a dam in Fresh Pond.

Proviso.

SECT. 2. This Act shall take effect upon its passage. (June 29, 1886.)

AN ACT in further amendment of an Act to authorize the cities of Boston and Cambridge to construct and maintain a bridge over Charles River.

Be it enacted, etc., as follows:—

SECTION 1. The mayor of the city of Boston for the time being, and the mayor of the city of Cambridge for the time being, and one discreet person to be appointed by them, who

Bridge across Charles River, between Cambridge and Boston.

shall hold his office until removed by the concurrent action of both of said mayors, shall constitute a board of commissioners, and in case said mayors fail to appoint said third commissioner, upon request of either of them, the governor by and with the advice and consent of the council shall appoint said third commissioner, and said board is hereby authorized and required to construct a bridge and avenue across Charles River, between West Chester Park in Boston and Front Street extended in Cambridge, substantially in accordance with plans prepared by the city engineer of the city of Boston, dated December, eighteen hundred and eighty-four, and approved by the city councils of said cities; subject, however, to the approval of said plans by the board of harbor and land commissioners, and subject to the provisions of chapter one hundred and fifty-five of the Acts of the year eighteen hundred and eighty-two, and chapter one hundred and twenty-nine of the Acts of the year eighteen hundred and eighty-five, except so far as said Acts are modified by this Act; and it shall be the duty of each of said cities to raise, and, upon the requisition of said commissioners, to pay one-half of the expenses incurred in building said bridge and avenue between the harbor lines as now established by law on said river, including the draw and draw-piers.

Boston may borrow money in excess of limit allowed by law.

SECT. 2. The city of Boston, in order to defray its share of the cost of building said bridge, is authorized to raise not exceeding two hundred and fifty thousand dollars, by loan, in excess of the limit prescribed by law.

Plans of bridge may be changed.

SECT. 3. Said commissioners, with the approval of the boards of aldermen of the two cities, and of the board of harbor and land commissioners, and subject to the provisions of chapter one hundred and fifty-five of the Acts of the year eighteen hundred and eighty-two, may change, alter, and modify the plans of said bridge.

Running of street cars over bridge.

SECT. 4. The boards of aldermen of said cities may, by concurrent vote, authorize the running of street-cars over said bridge, and may set apart a portion of said bridge for the special use of street-cars on such conditions, and subject to such regulations, as said boards may adopt.

SECT. 5. This Act shall take effect upon its passage. (May 18, 1887.)

AN ACT relating to the board of registrars of voters in the city of Cambridge.

Be it enacted, etc., as follows:—

SECTION 1. In the month of March or April of the pres-

ent year, the mayor of the city of Cambridge, in the manner provided by section fourteen of chapter two hundred and ninety-eight of the Acts of the year eighteen hundred and eighty-four, shall appoint two able and discreet persons, qualified voters in said city, who shall hold no other office nor position by election or appointment in said city, to be members of the board of registrars of voters of said city. One of the registrars so appointed shall hold his office until the first day of May in the year eighteen hundred and ninety-one, and the other until the first day of May in the year eighteen hundred and ninety-two; and in the same manner provided by said section fourteen of chapter two hundred and ninety-eight of the Acts of the year eighteen hundred and eighty-four, the mayor of said city shall in the month of March or April in the year eighteen hundred and eighty-nine, and in each year thereafter, appoint one person, qualified as aforesaid, to be a registrar of voters for the term of four years from the first day of May then next ensuing, and until another is appointed in his place; and the city clerk of said city shall cease to be a member of the board of registrars of voters on and after the first day of May in the present year.

Board of registrars of voters to be appointed

SECT. 2. During the month of May, in each year and before any other business is transacted, said board of registrars shall choose one of their number to be and act as clerk, who shall keep a full and complete record of its proceedings, and perform all acts heretofore required by law of the city clerk, acting as clerk of the board of registrars of voters in said city.

To elect one of their number to act as clerk.

SECT. 3. Except as herein provided, the board of registrars of voters of the city of Cambridge shall do and perform all things required of registrars of voters of cities by said chapter two hundred and ninety-eight of the Acts of the year eighteen hundred and eighty-four, and by all acts and parts of Acts in addition thereto or in amendment thereof, and shall receive the same compensation, and shall equally represent the two political parties, as provided in said chapter.

Powers.

SECT. 4. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Repeal.

SECT. 5. This Act shall take effect upon its passage. (Feb. 29, 1888.)

AN ACT to authorize the city of Cambridge to borrow money in excess of the limit allowed by law.

Be it enacted, etc., as follows:—

SECTION 1. The city of Cambridge, in order to defray its share of the cost of building the bridge over Charles

May borrow money in excess of the limit allowed by law.

River, authorized and required by chapter two hundred and eighty-two of the Acts of the year eighteen hundred and eighty-seven, is authorized to raise not exceeding two hundred thousand dollars, by loan, in excess of the limit allowed by law.

SECT. 2. This Act shall take effect upon its passage. (Feb. 29, 1888.)

AN ACT to provide a reservoir for the city of Cambridge, and to better preserve the purity of its water supply.

Be it enacted, etc., as follows:—

Reservoir and storage basin for Cambridge.

SECTION 1. The city of Cambridge having accepted the provisions of chapter two hundred and fifty-six of the Acts of the year eighteen hundred and eighty-four, and constructed an aqueduct conveying the waters of Stony Brook into and through said city by the way of Fresh Pond, as provided in the said Act, may, for the purpose of providing a reservoir and storage basin for the said city, and preserving the purity of the waters to be held in said Fresh Pond and distributed therefrom, and protecting and improving the shores and vicinity thereof, at any time within five years after the passage of this Act, take and hold by purchase or otherwise any part or the whole of the land and buildings thereon which lie within the following-described boundaries: south-easterly by the Watertown branch of the Fitchburg Railroad, between land owned by the trustees of Jacob Hittinger and Concord Avenue; north-easterly by Concord Avenue; north-westerly by the boundary line between said Cambridge and the town of Belmont; and south-westerly by Cushing Street, Woodlawn Avenue, and the southerly side of a proposed new street called Fresh Pond Avenue, to the said branch of said railroad at the place of beginning, and outside of the present ripped borders in the pond as they now exist; provided, however, that the two corporations, or their respective assigns, now owning ice-houses on said premises, if they or either of them so elect, and give written notice to the city clerk of said city, of their intention so to do, within sixty days after the filing and recording of the taking as hereinafter provided, shall be permitted to cut and remove ice from said pond, and to remain in possession of and use their buildings and premises for a period not exceeding two years from and after any taking of the same by virtue of this Act; but if said two corporations, or either of them, shall elect to hold and use ther premises as above, this fact shall be taken into the account in estimating the damages herein-

May take land, etc.

Proviso.

after provided for. When possession is taken by said city of Cambridge under provisions of this Act, of the land and buildings of either of said corporations, the whole of its land and buildings within said boundary shall be taken, and not a part only thereof.

SECT. 2. Said city shall, within sixty days after taking any lands or buildings as herein provided, otherwise than by purchase, for the purposes of this Act, file and cause to be recorded in the registry of deeds for the county and district in which said land and buildings are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor; and said city shall also cause notice of such taking to be sent by mail to the owners of record of the land so taken.

To cause to be recorded in the registry of deeds, a description of the land taken.

SECT. 3. So long as Fresh Pond shall be used by the city of Cambridge as a reservoir, or until otherwise provided by statute, and in order that the said city of Cambridge may better guard and protect the waters to be stored, distributed, and used in said reservoir and storage basin from pollution and intrusion, all the right and control which the Commonwealth has in the great pond known as Fresh Pond in Cambridge is hereby granted and relinquished unto said city, said grant and relinquishment to take effect whenever said city, shall, by purchase or otherwise, become the owner of all the land abutting on said pond; and from the passage of this Act, said city shall have exclusive right in, and control over, the said pond, and power to prevent all persons and animals from entering in, upon, or over, the land and waters thereof, except that it shall not prevent the two corporations or their respective assigns before mentioned from cutting and removing ice.

Right of the Commonwealth in Fresh Pond relinquished to Cambridge.

SECT. 4. Said city shall be liable to pay all damages sustained in property by any person or corporation by reason of taking of any land, right, or easement, or by any other thing done by said city under the authority of this Act. If any one sustaining damage as aforesaid does not agree with said city upon the amount of said damage, he may within two years from such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed at any time within said two years in the office of the clerk of said court, who shall thereupon issue a summons to said city, returnable at the next return day after the expiration of fourteen days from the filing of the petition. The summons shall be served fourteen days at least before the day on which it is returnable by leaving a copy thereof, and of the petition, certified by the officer who served the same, with the clerk of said

City to pay damages.

Referees may
be appointed.

city, and the court may upon default or hearing of said city, appoint three disinterested persons, who shall after reasonable notice to the parties assess the damages, if any, which such petitioner may have sustained as aforesaid, and the award of the persons so appointed or a major part of them, being returned into and accepted by the court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the parties claims a trial by jury, as hereinafter provided.

Parties dis-
satisfied
may claim a
trial.

SECT. 5. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded, as therein provided for, such party may, at the sitting of the court at which said award was accepted, or the next sitting thereafter, claim in writing, a trial in said court, and thereupon all questions of fact relating to such damages shall be heard and determined, and the amount of damages assessed by a jury at the bar of said court, and the verdict of the jury being accepted, and recorded by the court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties respectively in the same manner as is provided by law in regard to proceedings relating to laying out of highways.

City may make
tender for
damages,
when petition
for assessment
is made.

SECT. 6. In every case of a petition to the superior court for an assessment of damages, as provided in this Act, the said city may tender to the petitioner, or his attorney, any sum, or may bring the same into court, to be paid to the petitioner, for the damages by him sustained, or claimed in his petition, or may in writing offer to be defaulted, and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept the sum so offered, or tendered, with his costs up to that time, but proceeds with his suit, he shall be entitled to his costs to the time of such tender, or payment into court of offer of judgment, and not afterwards, unless the amount recovered by him in such action exceeds the amount to be tendered.

Exercise of
powers and
authority.

SECT. 7. All the rights, powers, and authority given to the city of Cambridge by this Act shall be exercised by said city subject to all duties, liabilities, and restrictions herein contained, in such manner, and by such agents, officers, and servants as the city council shall, from time to time, ordain, direct, and appoint.

Cambridge
Water Loan
may be
increased
\$500,000.

SECT. 8. For the purpose of paying for the land, and settling the damages herein referred to, for improving the land by grading, or otherwise, and generally for providing means for the further extension, and improvement of the water works of said city, from time to time, the city of Cambridge shall have authority to issue, as a water debt, in accordance with chapter one hundred and twenty-nine, of the Acts of the year eighteen hundred and eighty-four, in

addition to what is already authorized to issue by law, notes, scrip, or bonds, to be denominated on the face "Cambridge Water Loan," to an amount not exceeding five hundred thousand dollars. All the provisions of chapter two hundred and fifty-six of the Acts of eighteen hundred and eighty-four, and the Acts alluded to therein in regard to the establishment and maintenance of a sinking fund for the redemption of the Cambridge water loan, shall apply to this Act.

SECT. 9. This Act shall take effect upon its passage. (March 16, 1888.)

AN ACT concerning the water of Spy Pond in the town of Arlington, and Little Pond and Wellington Brook in the town of Belmont.

Be it enacted, etc., as follows:—

SECTION 1. So much of section one of chapter one hundred and sixty-five, of the Acts of the year eighteen hundred and seventy-five, entitled "An Act to provide a further supply of water for the city of Cambridge," as empowers the city of Cambridge to take the waters of Spy Pond in the town of Arlington, and Little Pond and Wellington Brook in the town of Belmont, is hereby repealed.

Waters of Spy Pond, etc., not to be a part of water supply for Cambridge.

SECT. 2. The city of Cambridge shall have the right to remove the iron pipe which it has laid as a conduit connecting Spy Pond and Little Pond, and shall pay all damages on account of removing said pipe.

City may remove iron pipe.

SECT. 3. This Act shall take effect upon its passage. (March 26, 1888.)

AN ACT requiring the cities of Boston and Cambridge, and the Boston and Albany Railroad Company, to widen the draws in certain bridges across Charles River.

Be it enacted, etc., as follows:—

SECTION 1. The cities of Boston and Cambridge shall before the first day of May in the year eighteen hundred and eighty-nine, subject to the provisions of chapter nineteen of the Public Statutes, widen the draws in the several highway bridges across Charles River and Brookline Street, River Street, Western Avenue, and Boylston Street, so called, and the Boston and Albany Railroad Company shall forthwith, subject to the provisions of said chapter nineteen, widen the draw in its railroad bridge across said river on the

Draws to be widened in the highway bridges across Charles River.

To have a clear opening of thirty-six feet in width. easterly side of the aforesaid Brookline Street bridge, so that each of said draws shall have a clear opening of at least thirty-six feet in width.

SECT. 2. This Act shall take effect upon its passage.
(April 16, 1888.)

AN ACT providing for the compensation of the commissioner of the new bridge between the cities of Boston and Cambridge, appointed by the mayors of said cities.

Be it enacted, etc., as follows:—

Compensation
of Commis-
sioner pro-
vided for.

SECTION 1. The member of the board of commissioners, established by virtue of chapter two hundred and eighty-two of the Acts of the year eighteen hundred and eighty-seven, for the purpose of building a new bridge between Boston and Cambridge, appointed by the mayors of said cities, shall receive for his services, from the date of such appointment, such compensation as the board of aldermen of the city of Boston, and the board of aldermen of the city of Cambridge, may, by concurrent action, establish to be paid as other expenses of building said bridge are paid.

SECT. 2. This Act shall take effect upon its passage.
(May 4, 1888.)

AN ACT authorizing the cities of Boston and Cambridge to widen West Boston Bridge.

Be it enacted, etc., as follows:

SECTION 1. The cities of Boston or Cambridge, or either of them within its limits, are authorized, subject to the provisions of chapter nineteen of the Public Statutes, to widen the bridge between said cities, known as West Boston bridge, on its southerly side, not exceeding twenty feet, and to make such changes in said bridge, and draw and draw piers connected therewith, and do such other acts as may be necessary and expedient or convenient for this purpose: *provided*, one or more clear openings not less than thirty-six feet in width shall be left through said draw for the passage of vessels.

SECT. 2. The boards of aldermen of said cities, or either of them within the limits of its city, may by vote grant locations and set apart a portion of said bridge when so widened for the special use of street cars, or may grant locations under the provisions of chapter one hundred and thirteen of

the Public Statutes ; and said boards of aldermen or either of them are hereby authorized and empowered to contract with any street railway company owning, controlling, or running street cars on said bridge, for the making of said widening, or for the payment of all or any part of the expense or cost thereof, and for keeping the same in repair, and for the setting apart as aforesaid of a portion of said bridge when so widened for such special use of such street cars. Such street railway company may acquire private lands by purchase or lease, for the purpose of making proper approaches to or for the extension of such location. The board of aldermen of the city where such lands are situate may then grant to said company special locations on and over lands so acquired.

SECT. 3. The care and management of the whole of said bridge and draw shall remain in said cities ; the expense of all repairs made on that portion of it set apart for the special use of street cars shall be borne by the company owning or controlling said cars, so long as it continues to use it.

SECT. 4. This Act shall take effect upon its passage.
(Approved May 23, 1889.)

AN ACT concerning the appointment of assistant assessors in the city of Cambridge.

Be it enacted, etc., as follows:

SECTION 1. Assistant assessors for the city of Cambridge shall be appointed by the mayor, subject to confirmation by the board of aldermen, as follows:—In the month of February, in the year eighteen hundred and ninety-one, there shall be so appointed and confirmed five persons, one from each ward, to be assistant assessors to serve for the term of one year ; and in the month of February annually thereafter there shall be so appointed and confirmed five assistant assessors, one from each ward, to serve for the term of one year. Such persons so appointed and confirmed shall enter upon their duties on the first day of March next after their appointment.

SECT. 2. Whenever any vacancy shall exist in the office of assistant assessor from any cause, such vacancy shall be filled for the unexpired term by the appointment of the mayor subject to confirmation by the board of aldermen.

SECT. 3. The present assistant assessors shall hold office until others are appointed and confirmed under the provisions of this Act, and no longer.

SECT. 4. All Acts and parts of Acts inconsistent herewith are repealed.

SECT. 5. This Act shall take effect upon its passage.
(Approved May 3, 1890.)

AN ACT relative to the approaches to Harvard Bridge in Boston and Cambridge.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and fifty-five of the Acts of the year eighteen hundred and eighty-two, shall be construed to mean that the city councils of the cities of Boston and Cambridge shall each have power and authority to locate, construct, and fix the grade of only such portions of the avenues of approach to the bridge as lie within their respective territories outside the harbor lines of Charles River; and that neither city shall have power or authority beyond the harbor lines of said river either to locate, construct, or fix the grade of any portion of said avenues within the territory of the other city.

SECT. 2. The Acts and doings of the city of Cambridge in relation to the location, laying out, and construction of the avenue of approach to Harvard bridge, in said city, are hereby ratified and confirmed and made binding upon all parties.

SECT. 3. All Acts and parts of Acts inconsistent herewith are hereby repealed.

SECT. 4. This Act shall take effect upon its passage.
(Approved May 26, 1890.)

LIST OF PUBLIC STATUTES AND PARTS OF STATUTES
REQUIRING ACCEPTANCE
WHICH HAVE BEEN ACCEPTED
BY THE
CITY OF CAMBRIDGE
AND THE DATES OF SUCH ACCEPTANCES.

PUBLIC STATUTES:

CHAPTER 28.

Sections 17 to 22 inclusive:—

Relating to vacancies in the offices of mayor, alderman, member of common council, or any other office to be filled by popular election.

Duties of ward officers, and the removal of officers from one ward to another ward in the city, after election.

Corresponding provisions of Chapter 19, General Statutes, to wit:— Sections 6 to 11 inclusive, were accepted October 31, 1860.

Section 23:—

Providing that the mayor or any alderman or member of the common council may at the same time hold any other office under the city government except one of emolument. *Accepted December 27, 1888.*

CHAPTER 50.

Section 25. Apportionment of sewer and sidewalk assessments:—

The provisions of Chapter 249, of the Acts of the year 1878, which correspond to the provisions of the above-named chapter were *accepted by an ordinance passed November 19, 1879.*

CHAPTER 51.

Sections 1 to 10 inclusive:—

Authorizing the assessment of betterments on account of public improvements. *Accepted December 28, 1887.*

CHAPTER 58.

The inspection and sale of provisions and animals intended for slaughter. *Accepted February 5, 1890.*

CHAPTER 60.

Sections 32, 33, and 34. Authorizing the appointment of weighers of hay:—

The provisions of Sections 72, 73, 74, and 75, of Chapter 49, General Statutes, which correspond to the provisions of the above-named sections were *accepted January 9, 1861.*

CHAPTER 80.

Sections 8 to 12 inclusive. Authorizing the appointment of a board of health:—

The provisions of Chapter 133, of the Acts of 1877, which correspond to the provisions of the above-named sections, were *accepted November 6, 1877.*

CHAPTER 101.

Sections 1 to 5 inclusive:—

Burnt or dangerous buildings, adjudged nuisances and how such nuisances may be abated. *Accepted June 19, 1884.*

CHAPTER 102.

Sections 40 to 48 inclusive:—

Regulating the erection and maintenance of steam engines, furnaces, and boilers. *Accepted January 29, 1890.*

CHAPTER 104.

Section 1. Cities may make by-laws for the prevention of fires:—

The provisions of Chapter 243 of the Acts of 1872, which correspond with the provisions of the above-named section, were *accepted May 17, 1872.*

Sections 4 to 11 inclusive:—

The inspection of buildings. *Accepted January 23, 1885.*

CHAPTER 74. ACTS OF 1890.

In relation to the preservation of the public health in cities. *Accepted May 15, 1890.*

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